

TC97-068

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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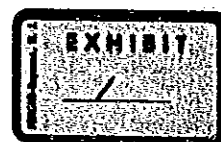
IN THE MATTER OF THE REQUEST OF)	
VIVIAN TELEPHONE COMPANY)	REQUEST FOR ETC
FOR DESIGNATION AS AN ELIGIBLE)	DESIGNATION
TELECOMMUNICATIONS CARRIER)	DOCKET TC97-

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Vivian Telephone Company d.b.a. Golden West Communications, Inc. pursuant to 47 United States Code Section 214(e) and 47 Code of Federal Regulations Section 54.201 hereby seeks from the Public Utilities Commission ("Commission") designation as an "eligible telecommunications carrier" within the local exchange areas that constitute its service area. In support of this request, Vivian Telephone Company offers the following:

1. Pursuant to 47 U.S.C. § 214(e) it is the Commission's responsibility to designate local exchange carriers ("LECs") as "eligible telecommunications carriers" ("ETCs"), or in other words, to determine which LECs have assumed universal service obligations consistent with the federal law and should be deemed eligible to receive federal universal service support. At least one eligible telecommunications carrier is to be designated by the Commission for each service area in the State. However, in the case of areas served by "rural telephone companies", the Commission may not designate more than one LEC as an ETC without first finding that such additional designation would be in the public interest. Under 47 CFR § 54.201, beginning January 1, 1998, only telecommunications carriers that have received designation from the Commission to serve as an eligible telecommunications carrier within their service area will be eligible to receive federal universal service support.

2. Vivian Telephone Company is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges:



Avon, SD	(286)	Gregory, SD	(835)	Reliance, SD	(473)
Bonesteel, SD	(654)	South Gregory, NE	(974)	Roschud, SD	(747)
South Bonesteel, NE	(653)	Lesterville, SD	(364)	Scotland, SD	(583)
Burke, SD	(775)	Marion, SD	(648)	Springfield, SD	(369)
South Burke, NE	(774)	Memo, SD	(387)	Vivian, SD	(683)
Clearfield, SD	(557)	Mission, SD	(856)	Winner, SD	(842)
Custer, SD	(673)	Murdo, SD	(669)	Witten, SD	(879)
Freeman, SD	(925)				

Vivian Telephone Company to its knowledge is the only carrier today providing local exchange telecommunications services in the above identified exchange areas.

3. Vivian Telephone Company in accord with 47 CFR § 54.101 offers the following local exchange telecommunications services to all consumers throughout its service area:

- Voice grade access to the public switched network;
- Local exchange service including an amount of local usage free of per minute charges under a flat rated local service package and as part of a measured local service offering;
- Dual tone multi-frequency signaling;
- Access to emergency services such as 911 or enhanced 911 public services;
- Access to operator services;
- Access to interexchange service;
- Access to directory assistance; and
- Toll blocking service to qualified low-income consumers.

As noted above, Vivian Telephone Company does provide toll limitation service in the form of toll blocking to qualifying consumers, however, the additional toll limitation service of "toll control" as defined in the

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new FCC universal service rules (47 CFR § 54.400(3)) is not provided. Vivian Telephone Company is not aware that any local exchange carrier in South Dakota has a current capability to provide such service. The FCC gave no indication prior to the release of its of its universal service order (FCC 97-157) that toll control would be imposed as an ETC service requirement and, to our information and belief, as a result, LECs nationwide are not positioned to make the service immediately available. In order for Vivian Telephone Company to provide the service, additional usage tracking and storage capabilities will have to be installed in its local switching equipment. At minimum, the service requires a switching software upgrade and at this time Vivian Telephone Company is investigating and attempting to determine whether the necessary software has been developed and when it might become available.

Accordingly, Vivian Telephone Company is faced with exceptional circumstances concerning its ability to make the toll control service available as set forth in the FCC's universal service rules and must request a waiver from the requirement to provide such service. At this time, a waiver for a period of one year is requested. Prior to the end of the one year period, Vivian Telephone Company will report back to the Commission with specific information indicating when the necessary network upgrades can be made and the service can be made available to assist low income customers. The Commission may properly grant a waiver from the "toll control" requirement pursuant to 47 CFR 54.101(c).

4. Vivian Telephone Company has previously and will continue to advertise the availability of its local exchange services in media of general distribution throughout the exchange areas served. Prior to this filing, Vivian Telephone Company has not generally advertised the prices charged for all of the above-identified services. It will do so going forward in accord with any specific advertising standards that the Commission may develop.

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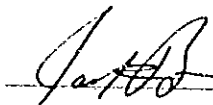
5. Based on the foregoing, Vivian Telephone Company respectfully request that the Commission,

(a) grant a temporary waiver of the requirement to provide "toll control" service; and

(b) grant an ETC designation to Vivian Telephone Company covering all of the local exchange areas that constitute its present service area in the State.

Dated this ____ day of June, 1997.

Vivian Telephone Company



Jack Brown, Manager