

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE)	DOCKET NO. 13-027
CONSIDERATION OF ELIGIBLE)	
TELECOMMUNICATIONS CARRIER)	
CERTIFICATION REQUIREMENTS)	

CENTURYLINK'S COMMENTS

Introduction

CenturyLink appreciates the Commission's interest in reviewing South Dakota's ETC filing requirements in light of Federal Requirements created in the USF/ICC Transformation Order. CenturyLink agrees that it is appropriate for the Commission to modify its filing deadline to coincide with the July 1st deadline set forth in the new FCC Rules.¹

In addition, CenturyLink believes that the Commission could meet its goal of ensuring it has the necessary information to review ETC certification by adopting the same reporting requirements as required by the FCC in its rules and reported pursuant to the proposed Form 481.² Form 481 contains all of the pertinent benchmarks that the FCC is requiring for certification of eligibility by the states. Form 481 is targeted to the Connect America Fund ("CAF") obligations, better reflecting the regulatory and industry environment and direction.

¹ See 47 C.F.R. § 54.313.

² The FCC's draft Form 481 is pending OMB approval but is anticipated to be approved prior to the July 1, 2013 filing date.

Many of the requirements set forth by the FCC's ETC reporting rules are either identical or substantially similar to the requirements set forth in South Dakota rules. For the most part, the relevant information will be the same.

In CenturyLink's view, the biggest substantive difference between Form 481 requirements and the South Dakota rules relates to the required capital improvement plan. The Federal rules require price cap companies like CenturyLink to file an initial five year service quality improvement plan in 2014 and subsequent annual updates, and South Dakota rules require a two year report. The Form 481 report requires more detail than CenturyLink provides in its South Dakota filing. Additionally, the new FCC ETC reporting rules include rate and pricing information that will be more relevant to the evolving focus of high-cost support going forward. By waiving the ETC reporting requirement in South Dakota rules to allow companies to file the FCC ETC requirements instead, the Commission will not only have more information than it currently receives, but also reduce the burden otherwise placed on companies to file two different reports.

If the Commission were to allow companies to use their Form 481 filings to meet their obligations in South Dakota, the primary areas where the Commission would not obtain information that it receives today would involve the state's requirements regarding equal access and comparable usage plans. Generally speaking, equal access is not addressed in the USF/ICC Order and has less importance in today's highly competitive marketplace. The Commission's requirements regarding comparable usage plans should be met by the rate and price plan information and other required components in the federal ETC filing. However, any additional information the Commission deems necessary can be required as a supplement to submission of the federal filing.

Comparison of South Dakota and Federal Requirements

In order to assist the Commission in making its decision, CenturyLink provides a point-by-point comparison of the historical ETC filings for South Dakota and the requirements under Form 481. Attached to these comments is a copy of the applicable federal requirements.

20:10:32:53 - Requirements for previously designated eligible telecommunications carriers and pending applications.

As a designated eligible telecommunications carrier, CenturyLink submits the information required by §§ 20:10:32:43.01 to 20:10:32:43.06.

20:10:32:43.01 - Demonstration of commitment to provide service.

Federal comparison: No comparable requirement; however, Form 481 requires a certification that our rates are comparable to the national average urban rate for voice.³

20:10:32:43.02 - Submission of two-year plan.

Federal comparison: The South Dakota requirements are for a shorter time period and less detailed than FCC requirements.⁴

20:10:32:43.03 - Demonstration of ability to remain functional in emergency situations.

South Dakota rules require a narrative description of the effort to remain functional that does not match up specifically with federal requirements but are similar.⁵

20:10:32:43.04 - Demonstration of ability to satisfy consumer protection and service quality standards.

South Dakota's requirements are similar to those in Federal rules.⁶

³ 47 C.F.R. § 54.313(a)(10).

⁴ 47 C.F.R. § 54.313(a)(1).

⁵ 47 C.F.R. § 54.313(a)(2)(iii).

⁶ *Id.*

20:10:32:43.05 - Offering of comparable local usage plan.

No comparable requirement under Federal rules; however, the CAF does require a certification that rates are comparable to the national average urban rate for voice.⁷ The federal filing also addresses provisioning and performance requirements for supported services going forward.

20:10:32:43.06 - Provisioning of equal access.

No comparable requirement in Federal rules. CenturyLink does not believe equal access of long distance carriers is a significant concern in today's regulatory environment.

20:10:32:54 - Certification Requirements.

(1) A progress report on its two year service improvement plan.

CenturyLink submitted its first annual two year service improvement plan information pursuant to Rule 20:10:32:43.02 in 2006. CenturyLink believes that federal filings should be sufficient to meet the Commission's needs in this area.

(2) Detailed information on any outage.

Same required as part of CAF filing.

(3) Number of unfilled requests for service.

Same required as part of CAF filing.

(4) Number of complaints.

Same required as part of CAF filing.

(5) Certification of complying with service quality standards and consumer protection rules.

Same required as part of CAF filing.

⁷ 47 C.F.R. § 54.313(a)(10).

(6) Certification that ETC is able to function in emergency situations.

Same required as part of CAF filing.

(7) Certification that ETC is offering a local usage plan.

No comparable requirement. See comments above.

(8) Certification that ETC acknowledges that it will be able to provide equal access.

No comparable requirement. See comments above.

20:10:32:55 - Lifeline and Link-up advertising requirements.

Form 481 requires the reporting of outage, complaint, service quality, and emergency functionality information, and the terms and conditions for Lifeline customers to satisfy the requirements of 54.422. This is not exactly the same requirement, but links the Lifeline requirements directly to the Lifeline Order.

Supplemental Data Requested by the Commission Staff.

While South Dakota required the residential rate sheet, the CAF filing requires additional voice rate data as well.

Conclusion

CenturyLink appreciates the interest of the Commission in reviewing its filing requirements in light of federal requirements. CenturyLink believes that the South Dakota Commission would meet its obligations to ensure ETCs are adequately serving their role by simply requiring that companies submit their federal filings related to South Dakota to the Commission in lieu of making state filings that are largely duplicative of the federal filing. Such an approach could be accomplished by an order waiving the requirements of ARSD 20:10:32:52 through 20:10:32:56 as long as an ETC provides a copy of its South

Dakota information from the federal filing to the Commission on or before July 1 of each year.

To the extent the Commission determines additional information is required beyond that required by Federal rules, CenturyLink stands ready to provide such information.

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