

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE INVESTIGATION) ORDER FOR AND NOTICE
INTO THE LIFELINE AND LINK UP) OF HEARING
PROGRAMS)
) TC97-150

At its August 18, 1997, regularly scheduled meeting, the Public Utilities Commission (Commission) voted to open a docket concerning the Federal Communications Commission's Report and Order on Universal Service regarding the Lifeline and Link Up programs. In its Report and Order, the FCC decided that it would provide for additional federal support in the amount of \$1.75, above the current \$3.50 level. However, in order for a state's Lifeline consumers to receive the additional \$1.75 in federal support, the state commission must approve that reduction in the portion of the intrastate rate paid by the end user. 47 C.F.R. § 54.403(a). Additional federal support may also be received in an amount equal to 1/2 of any support generated from the intrastate jurisdiction, up to a maximum of \$7.00 in federal support. 47 C.F.R. § 54.403(a). A state commission must file or require the carrier to file information with the administrator of the federal universal service fund demonstrating that the carrier's Lifeline plan meets the criteria set forth in 47 C.F.R. § 54.401.

Interested persons and entities submitted written comments concerning how the Commission should implement the FCC's rules on the Lifeline and Link Up programs. In their written comments, interested persons and entities commented on the following questions:

1. Whether the Commission should approve intrastate rate reductions to allow consumers eligible for Lifeline support to receive the additional \$1.75 in federal support?
2. Whether the Commission should set up a state Lifeline Program to fund further reductions in the intrastate rate paid by the end user?
3. Whether the Commission should modify the existing Lifeline or Link Up Programs?
4. Shall the Commission file or require the carrier to file information with the administrator of the federal universal service fund demonstrating that the carrier's Lifeline plan meets the criteria set forth in 47 C.F.R. § 54.401(d)?

Public hearings will be held at the following times and places for consideration of action by the Commission in this matter:

RAPID CITY: Monday, October 27, 1997, 1:00 p.m., Canyon Lake Senior Citizens Center, 2900 Canyon Lake Drive, Rapid City, SD

PIERRE: Tuesday, October 28, 1997, 1:30 p.m., State Capitol Building, Room 412, 500 East Capitol Avenue, Pierre, SD

SIOUX FALLS: Wednesday, October 29, 1997, 9:00 a.m., Center for Active Generations, 2300 West 46th, Sioux Falls, SD

The Commission has jurisdiction in this matter pursuant to SDCL Chapter 49-31. The Commission may rely upon any and all of these or other laws of this state in making its determination.

The issues at the hearings are whether the Commission shall approve intrastate rate reductions to allow consumers eligible for lifeline support to receive an additional \$1.75 in federal support; whether the Commission should set up a state Lifeline Program to fund further reductions

in the intrastate rate paid by the end user; whether the Commission should retain, modify, or eliminate the existing Lifeline or Link Up Programs; and whether the Commission shall file or require the carrier to file information with the administrator of the federal universal service fund demonstrating that the carrier's Lifeline plan meets the criteria set forth in 47 C.F.R. § 54.401(d).

Interested persons and entities wishing to file written comments with the Commission prior to the hearings must do so no later than October 22, 1997. The public is invited to participate by testifying at the hearings. All persons so testifying will be subject to cross-examination.

The hearings shall be adversary proceedings conducted pursuant to SDCL Chapter 1-26. All persons have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearings. If you or your representative fail to appear at the time and place set for the hearings, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearings or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearings the Commission will consider all evidence and testimony that was presented at the hearings. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. The Commission's decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED that the hearings shall be held at the times and places specified above on the issues of whether the Commission shall approve intrastate rate reductions to allow consumers eligible for lifeline support to receive an additional \$1.75 in federal support; whether the Commission should set up a state Lifeline Program to fund further reductions in the intrastate rate paid by the end user; whether the Commission should retain, modify, or eliminate the existing Lifeline or Link Up Programs; and whether the Commission shall file or require the carrier to file information with the administrator of the federal universal service fund demonstrating that the carrier's Lifeline plan meets the criteria set forth in 47 C.F.R. § 54.401(d).

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 16th day of October, 1997.

CERTIFICATE OF SERVICE	
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u><i>Dulaine Kalbo</i></u>
Date:	<u>10/16/97</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:
Commissioners Burg, Nelson and
Schoenfelder

William Bullard, Jr.
WILLIAM BULLARD, JR.
Executive Director