

May 21, 2013

Ms. Patty Van Gerpen, Executive Director
South Dakota Public Utilities Commission
500 East Capitol Ave.
State Capitol Building
Pierre, SD 57501

RE: Docket TC13-027 (In the Matter of the Consideration of Eligible Telecommunications Carrier Certification Requirements)

Dear Ms. Van Gerpen:

On May 16, 2013, the FCC issued an Order which (1) clarified the status of some of its reporting obligations as a result of pending reviews under the federal "Paperwork Reduction Act" by the "Office of Management and Budget"; and (2) granted a waiver for 2013 of its requirement that rate-of-return ETCs file a "five-year service quality improvement plan."¹

As indicated by SDTA at the time the Commission considered this docket at its meeting on April 23, 2013, the National Telecommunications Cooperative Association (NTCA) and other Rural Associations had pending with the FCC, an "Emergency Petition for Clarification, or in the Alternative a Waiver" asking that the FCC delay application of its earlier imposed five year service quality improvement plan requirement.

In response to this Petition, by Order dated May 16th, the FCC's Wireline Competition Bureau found it to be in the public interest to grant a limited waiver and postpone for one year the requirement that rate-of-return ETCs submit a five year service improvement plan. In taking this action, the Bureau noted that price-cap carriers that accept Connect America Phase II support are required to file their five year plans on July 1, 2014. "By allowing rate-of-return ETCs to file their first five-year plan on July 1, 2014, [the FCC] will bring conformity in filing dates across all incumbent ETCs, thereby simplifying the administrative process for USAC."²

As part of its "Order Waiving and Clarifying Eligible Telecommunications Carriers Certification Requirements" issued in Docket TC13-027 on April 26th, this Commission

¹ See *Order* (DA 13-1115) adopted and released May 16, 2013, in WC Docket No. 10-90, In the Matter of Connect America Fund.

² *Id.* at par. 8.

determined that "if an ETC is filing a five-year plan with the FCC and the Commission, [it] is not required to file a two-year plan pursuant to the Commission's rule [ARSD § 20:10:32:54(1)]."

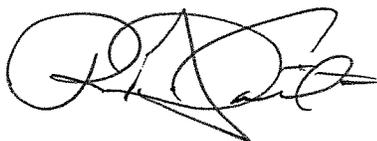
With this letter, SDTA advises the Commission that based on the above referenced FCC Order and, specifically, the FCC's one year waiver related to the five year service improvement plan requirement, SDTA members will not be including a five year plan with this year's State ETC certification filings (now due on or before July 1st), but will instead revert to complying with the two year service improvement plan requirement set forth in ARSD § 20:10:32:54(1). The SDTA member ILECs will, as in past years, present to this Commission a progress report on their existing two year service improvement plans along with a new two year plan.

If this course of action in response to the FCC's recent Order is for any reason not viewed as sufficient or acceptable by the Commission, please advise SDTA promptly.

A copy of this letter has been provided to other individuals and parties included within the Commission's service list.

Thank you for your assistance in these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard D. Coit", written in a cursive style.

Richard D. Coit
SDTA Executive Director and General Counsel