

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

IN THE MATTER OF THE PETITION OF WWC)	ORDER GRANTING
LICENSE, LLC DBA VERIZON WIRELESS AND)	RELINQUISHMENT OF ETC
RCC MINNESOTA, INC. DBA VERIZON)	DESIGNATIONS
WIRELESS OF RELINQUISHMENT OF ITS)	
DESIGNATION AS AN ELIGIBLE)	TC12-158
TELECOMMUNICATIONS CARRIER)	

On September 21, 2012, the Public Utilities Commission (Commission) received a filing from WWC License, LLC dba Verizon Wireless and RCC Minnesota, Inc. dba Verizon Wireless (collectively, Verizon Wireless) regarding their request for relinquishment of their Eligible Telecommunications Carrier (ETC) designations effective December 31, 2012. Verizon Wireless sought relinquishment because its universal service funding will be eliminated at the end of 2012, pursuant to the terms of the Federal Communications Commission's *Alltel Acquisition Order*.¹

On September 27, 2012, the Commission electronically transmitted notice of the filing and the intervention deadline of October 12, 2012, to interested individuals and entities. No parties sought intervention. On November 14, 2012, comments were filed by the Crow Creek Tribal Utility Authority (Tribal Authority). On November 19, 2012, Verizon Wireless filed its response to the Tribal Authority's comments. On November 20, 2012, the Tribal Authority filed additional comments.

At its regularly scheduled meeting of November 20, 2012, the Commission considered this matter. The Commission has jurisdiction over this matter pursuant to SDCL 49-31-78, ARSD 20:10:32:48, and 47 U.S.C. § 214(e). Staff recommended approval of the relinquishment with the condition that Verizon Wireless file documentation and progress reports for the 2012 calendar year during the Commission's 2013 ETC certification process. The Tribal Authority stated that it wanted to make sure that its membership is served. Verizon Wireless stated that it would continue to provide service in the designated areas and that the areas were served by other ETCs. The Commission unanimously voted to approve the relinquishment of the ETC designations of WWC License, LLC dba Verizon Wireless and RCC Minnesota, Inc. dba Verizon Wireless, subject to the condition as recommended by Staff.

The requirements regarding the relinquishment of a carrier's ETC designation can be found in ARSD 20:10:32:48. This rule provides as follows:

20:10:32:48. Relinquishment of eligible telecommunications carrier status. A telecommunications company may relinquish its eligible telecommunications carrier designation and accompanying universal service obligations as provided for below:

(1) A telecommunications company seeking to relinquish its eligible telecommunications carrier designation shall file a petition with the commission specifying the service area for which it seeks to relinquish its designation and the identity of any other eligible telecommunications carrier serving the service area. At the time of filing, a copy of the

¹ *Applications of Cellco Partnership d/b/a Verizon Wireless and Atlantis Holdings LLC For Consent to Transfer Control of Licenses, Authorizations, and Spectrum Manager and De Facto Transfer Leasing Arrangements and Petition for Declaratory Ruling that the Transaction is Consistent with Section 310(b)(4) of the Communications Act, Memorandum Opinion and Order and Declaratory Ruling, 23 FCC Rcd 17444, ¶¶ 192-95 (2008) ("Alltel Acquisition Order").*

petition shall also be provided to each local service provider serving the area for which the petitioner seeks to relinquish its eligible telecommunications carrier designation;

(2) The commission may permit a telecommunications company to relinquish its eligible telecommunications carrier designation if at least one other eligible telecommunications carrier serves the area for which the relinquishment is sought;

(3) The petitioning telecommunications company shall continue to meet its eligible telecommunications carrier obligations for the entire area for which it seeks to relinquish those obligations until the date specified in the commission's order approving the relinquishment; and

(4) Prior to permitting a telecommunications company designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the commission shall ensure that each customer served by the relinquishing carrier continues to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier. The commission shall establish a time, not to exceed one year after the commission approves such relinquishment, within which such purchase or construction shall be completed.

The Commission notes that Verizon Wireless requested relinquishment because its universal service funding will be eliminated at the end of 2012, not because it will no longer serve the designated areas. In its Petition, Verizon Wireless made the following commitments:

Following relinquishment of its ETC designations, Verizon Wireless will continue to offer and provide wireless service in the Designated Areas. Verizon Wireless' services and coverage will not be affected in South Dakota. Further, Verizon Wireless' announced, industry-leading roll-out of 4G LTE voice and broadband services will continue. No Verizon Wireless customer will lose service as a result of relinquishment. Indeed, Verizon Wireless continues to aggressively update its network.

Verizon Wireless' Petition at ¶ 9.

With respect to Lifeline services, Verizon Wireless "will grandfather the existing Lifeline discount as an equivalent, carrier-provided discount for one year (through December 31, 2013) if the customer chooses to continue as a Verizon Wireless subscriber." Verizon Wireless' Petition at ¶ 13. Verizon Wireless stated that "the extended discount will give Lifeline customers ample time to decide whether to remain with Verizon Wireless or to switch to another Lifeline service provider." *Id.* If an existing Lifeline customer decides to switch providers, Verizon Wireless will waive any early termination fees. *Id.*

The Commission has previously designated at least one other ETC that serves each of the areas for which the relinquishment is requested. The Commission finds that all of the areas subject to this relinquishment are served and will continue to be served by an ETC. In addition, Verizon Wireless will continue to serve the designated areas and will provide an equivalent, carrier-provided Lifeline discount for its current Lifeline customers for an additional year. The Commission finds that the requirements of ARSD 20:10:32:48 have been met.

It is therefore

ORDERED, that the Commission approves Verizon Wireless's request for relinquishment of ETC designation for WWC License, LLC dba Verizon Wireless and RCC Minnesota, Inc. dba Verizon Wireless, effective December 31, 2012. It is further

ORDERED, that Verizon Wireless shall file documentation and progress reports for the 2012 calendar year during the Commission's 2013 ETC certification process.

Dated at Pierre, South Dakota, this 30th day of November, 2012.

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, electronically
By: <u>Joy Beving</u>
Date: <u>Nov. 30th, 2012</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner