



July 3, 2019

*Via Electronic Filing*

Secretary to the Commission  
Federal Communications Commission  
445 12<sup>th</sup> St, S.W.  
Washington, D.C. 20554

Re: CRSTTA Petition for Designation as an Eligible Telecommunications Carrier

Dear Secretary to the Commission:

On behalf of Cheyenne River Sioux Tribe Telephone Authority (CRSTTA) we have attached for filing the Petition for Designation as an Eligible Telecommunications Carrier pursuant to the Federal Communications Commission requirements. CRSTTA seeks ETC designation in the Timber Lake Exchange within Dewey County, South Dakota. CRSTTA satisfies all the statutory and regulatory requirements for designation as an ETC in the requested designated service area. As explained in the attached petition, the public interest would be served by granting this petition. As a tribally owned carrier, CRSTTA is in a 60-day approval window<sup>1</sup> and does request that the Commission not delay the review and approval of this application for designation as an ETC.

Sincerely,

*Mikaela Burma*

Mikaela Burma  
Manager of Regulatory and Legal  
Phone: (605) 995-1742  
Fax: (605) 995-1778  
Mikaela.Burma@Vantagepnt.com

Enclosure(s)

cc: Mona Thompson, General Manager, Cheyenne River Sioux Tribe Telephone Authority  
cc: Office of Native Affairs and Policy, via email: native@fcc.gov

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<sup>1</sup> See 47 CFR § 54.202(d)(2).

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

Cheyenne River Sioux Tribe Telephone Authority	)	
	)	
Application for Eligible	)	
Telecommunications Carrier For	)	
The Purpose of Receiving	)	DOCKET NO: 19-_____
Federal Universal Service Support	)	

**PETITION FOR DESIGNATION AS AN  
ELIGIBLE TELECOMMUNICATIONS CARRIER**

Cheyenne River Sioux Tribe Telephone Authority (CRSTTA or the Company) makes this application to the Federal Communications Commission (Commission) for designation as an eligible telecommunications carrier (ETC). This application is made pursuant to 47 U.S.C. § 214(e)(6) and the rules and regulations of the Commission. The Company requests ETC designation for the Timber Lake Exchange in South Dakota.<sup>1</sup>

The Company satisfies all of the statutory and regulatory requirements for designation as an ETC in the requested designated service area. As explained herein, the public interest would be served by granting this petition.

**I. Background**

Established in 1958, CRSTTA was the first tribally owned telephone company in the United States. The Company currently serves approximately 2,570 customers in Eagle Butte, Dupree, Isabel, LaPlant, and South Dupree, SD. In 2010, with funding from a RUS loan, CRSTTA deployed a \$37.8 million Fiber To The Premise (FTTP) project to bring broadband to every residence and business they serve. The Company currently offers voice services, as well as broadband and video service to its customers. SDN Communications installed fiber to critical anchor institutions in Timber Lake, which has since been acquired by CRSTTA. CRSTTA is currently planning to

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<sup>1</sup> In accordance with 47 C.F.R. § 54.202(c), CRSTTA is sending a copy of its Petition to the relevant tribal government and tribal regulatory authorities.

deliver high speed broadband to the remaining Timber Lake Exchange where feasible in the coming years.

CRSTTA has already received an award to assist in its endeavor to expand broadband in the Timber Lake Exchange. South Dakota recently awarded over \$5 million in grants through its Connect South Dakota program designed to fund broadband projects in unserved and underserved areas throughout the state. As a part of this program, CRSTTA earned a \$474,500 grant award to assist the Company in building FTTP out to serve more of the Timber Lake Exchange.

The South Dakota Public Utilities Commission has already approved CRSTTA's Certificate of Authority, authorizing the Company to service the Timber Lake Exchange as a CLEC.

All inquiries concerning this application should be made to:

Mona L. Thompson  
General Manager  
Cheyenne River Sioux Tribe Telephone Authority  
PO Box 810  
625 N. Main St  
Eagle Butte, SD 57625  
Ph: (605) 964-2600  
Email: [monat@lakotanetwork.com](mailto:monat@lakotanetwork.com)

Upon designation as an ETC, the Company will provide the supported services throughout the requested designated service area and offer Lifeline to qualified low-income consumers.

## **II. Authority for Designation of an ETC**

As a tribally owned company, CRSTTA is not subject to the jurisdiction of South Dakota's state commission. Title 47 U.S.C. § 214(e)(6) of the Act provides that, where a carrier is not subject to the jurisdiction of a state commission, the Federal Communications Commission shall upon request designate a common carrier as an eligible telecommunications carrier (ETC) for a service area designated by the Commission. Title 47 U.S.C. § 214(e)(1) provides that an ETC shall be eligible to receive universal service support in accordance with section 254 of the Act and shall, in the service area for which the designation is received, offer the services that are supported by federal universal service support mechanisms under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services, and shall advertise



the availability of such services and their costs using media of general distribution. The FCC has promulgated a list of the services or functionalities that shall be supported by federal universal service support mechanisms at 47 C.F.R. § 54.101.

### **III. The Company Shall Offer Required Services**

Pursuant to 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(d)(1), CRSTTA shall, throughout the service area for which designation is received, offer the services that are supported by Federal universal service support mechanisms defined in 47 C.F.R. § 54.101(a). These services include: (1) Eligible voice telephony services must provide voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and toll limitation services to qualifying low-income consumers as provided in subpart E of this part; (2) Eligible broadband Internet access services must provide the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service. CRSTTA can and will provide all of these required services.

### **IV. The Company Shall Use Its Own Facilities, Or a Combination of Its Own Facilities and Resale of Another Carrier's Services**

Pursuant to 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(d)(1), the Company shall use primarily its own FTTP facilities, but at times may resell another carrier's services to offer the services that are supported by Federal universal service support mechanisms. CRSTTA is a facilities-based carrier and will primarily use its own state of art FTTP facilities to provide any requested services.

#### **V. The Company Shall Provide Service Throughout the Designated Service Area**

Pursuant to 47 U.S.C. § 214(e)(1) and 47 C.F.R. § 54.201(d), the Company shall offer the services that are supported by Federal universal service support mechanisms throughout the service area for which designation is received. In addition, the Company commits to provide service throughout its proposed designated service area to all customers making a reasonable request for service. The Company certifies that it will provide service on a timely basis to requesting customers within the Company's service area where the Company's network already passes the potential customer's premises. See 47 C.F.R. § 54.202(a)(1)(i). The Company certifies that it will provide service within a reasonable period of time, if the potential customer is within the Company's ETC service area but outside its existing network coverage, if service can be provided at reasonable cost by: 1) modifying, adjusting or replacing network or customer facilities; or 2) reselling services from another carrier's facilities to provide service. See 47 C.F.R. § 54.202(a)(1)(i).

#### **VI. The Company Will Advertise**

Pursuant to 47 U.S.C. § 214(e)(1)(B) and 47 C.F.R. § 54.201(d)(2), the Company shall advertise the availability of the services that are supported by Federal universal service support mechanisms and the charges for such services using media of general distribution. The Company may advertise, among other means, via newspaper, mail circular, public and social service agencies and radio and target residential customers with its advertising efforts.

#### **VII. The Company Shall Make Available Lifeline Service**

Pursuant to 47 C.F.R. § 54.405, the Company shall make available Lifeline service to qualifying low-income consumers and publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service. The Company will make a concerted effort to notify municipal, state, and federal governmental agencies whose clientele may likely benefit the most from having the Company designated as an ETC by the Commission. In addition, the

Company may advertise, among other means, via newspaper, mail circular, public and social service agencies and radio and target residential customers with its advertising efforts.

### **VIII. Service Area for Which Designation Is Requested**

The Company requests ETC designation in the Timber Lake Exchange within Dewey County, South Dakota.

### **IX. Emergency Situations**

Pursuant to 47 C.F.R. § 54.202(a)(2), a carrier seeking ETC designation must demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.

The Company provides a minimum of eight hours of back-up power to ensure functionality of voice services without a commercial power source. The Company's back-up power sources include fixed generators and portable generators for remote sites. For the Company's last mile, they have battery backups for AC powered ONTs and have spare ONTs that are maintained at the Company warehouse.

The Company's 10 Gbps middle mile optical transport network is configured in a ring with redundant common cards and power. Additionally, the last mile electronics are equipped with redundant common cards and power.

For the Company's voice switching network, they have deployed a softswitch that has built in redundancy and has the ability to add additional capacity as service requirements demand. The Company has also established PSTN connectivity allowing primary routes to be backed up with diverse overflow trunk groups that are leveraged in the event of the primary route becoming unavailable. For emergency 911 calling, the Company has established diversity across all elements of the circuit path, including softswitch card diversity, and transport diversity.



In the case of isolated groups of customers that may suffer an outage due to a cable cut, CRSTTA maintains sufficient staff and resources to be able to get customers' service restored in a timely manner. CRSTTA has emergency service equipment, which is located within the exchange and requires little time to dispatch.

#### **X. Consumer Protection and Service Quality Standards**

Pursuant to 47 C.F.R. § 54.202(a)(3), a carrier seeking ETC designation must demonstrate that it will satisfy applicable consumer protection and service quality standards. The Company commits to comply with all applicable Commission and FCC rules concerning consumer protection and service quality.

#### **XI. Designation of the Company as an ETC Is in the Public Interest**

Designation of the Company as an ETC would be in the public interest. Competition furthers the goals of telecommunications service and provides the consumer with a greater choice of providers and service choices, which will in turn result in market-driven prices and quality. The Company is not requesting designation in any rural areas (rural as defined by the statutes of 47 USC §54.201(c)). Granting the Company ETC status would advance principles of customer service by providing increased competition and a state of the art FTTP network and is therefore in the public interest.

The designation of the Company as an ETC will offer Lifeline-eligible customers a greater choice of providers for accessing telecommunications services not available to such customers today and should likely expand participation of qualifying customers in the Lifeline program. Last, the Company will build out unserved and underserved areas in Dewey County and this designation would be in the public interest.

#### **XII. Network Plan**

Pursuant to 47 C.F.R. § 54.202(a)(1)(ii), a carrier seeking ETC designation must submit a five-year plan that describes proposed improvements or upgrades to the Company's network. CRSTTA will deploy fiber to the premise in the town of Timber Lake during phase one. This network will

pass all 213 locations within the town. The deployment includes approximately 11 miles of mainline and drop fiber. The Company will then deploy fiber to the premise to the rest of the exchange, as feasible during phase two. CRSTTA is financially viable to provide the services herein.

### **XIII. Consumer Certification**

As of January 15, 2019, the National Verifier hard launched in South Dakota.<sup>2</sup> Accordingly, the National Verifier will be responsible for the certification of Lifeline subscribers. Consistent with 47 C.F.R. § 54.410, CRSTTA will verify that the consumer is a qualifying low-income consumer and the Company will put in place quality control mechanisms to ensure that only eligible consumers are participating in Lifeline and that the consumer or no one in its household receives duplicate lifeline benefits.

### **XIV. Annual Reporting Requirements**

The Company shall comply with all annual reporting requirements for designated ETCs as applicable. CRSTTA has a good understanding of all ETC filings and procedures.

### **XV. Denial of Federal Benefits**

Neither the petitioner nor any party to the application is subject to a denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, as implemented in section 1.2002 of the Commission's rules.

### **XVI. Conclusion**

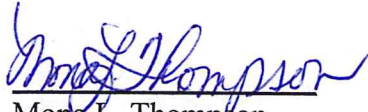
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<sup>2</sup> See Universal Service Administrative Company, *Verify Subscriber Eligibility* (last visited June 13, 2019), <https://www.usac.org/li/program-requirements/verify-eligibility/process-by-state.aspx>.



WHEREFORE, the Company respectfully requests designation as an ETC for all the purposes listed above.

Respectfully submitted,



Mona L. Thompson

General Manager

Cheyenne River Sioux Tribe Telephone Authority

PO Box 810

625 N. Main Street

Eagle Butte, SD 57625

(605) 964-2600

**EXHIBIT A**

**AFFIDAVIT OF MONA THOMPSON**

**GENERAL MANAGER OF CHEYENNE RIVER SIOUX TRIBE TELEPHONE AUTHORITY**

**AFFIDAVIT OF Mona Thompson**

STATE OF SOUTH DAKOTA     )  
  )SS.  
COUNTY OF DEWEY         )

Mona L. Thompson, after being duly sworn, states the following:

1. I have personal knowledge of the facts and information set fourth in this Affidavit and I am competent to testify to these facts if called as a witness.
2. I am the General Manager of Cheyenne River Sioux Tribe Telephone Authority and I have read the ETC Application to which this Affidavit is attached. I have knowledge of the facts stated in the Application and those facts are true to the best of my knowledge and my belief.

Mona L. Thompson



General Manager

Cheyenne River Sioux Tribe Telephone Authority

NOTARY

State of S.D.

County of Dewey

This record was acknowledged before me on 7-2-19 (date)

By Mona Thompson (name(s) of individual(s)).

Notary signature 

Stamp:

My Commission expires: 11-27-24

