



June 8, 2017

Ms. Marlene H. Dortch, Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Joint Petition of Cheyenne River Sioux Tribe Telephone Authority and CenturyLink QC's for Waiver of the Definition of "Study Area" Contained in Part 36, Appendix Glossary of the Commission's Rules

Dear Ms. Dortch,

On behalf of Cheyenne River Sioux Tribe Telephone Authority and CenturyLink QC, I am pleased to submit the attached Petition seeking a waiver of the definition of "Study Area" in accordance with Part 36, Appendix Glossary of the Commission's Rules.

Thank you for consideration of this Petition. Please let us know if you have any questions.

Sincerely,

Lori Sherwood
Director of Broadband Development

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

In the Matter of)	
)	
Joint Petition of)	
Cheyenne River Sioux Tribe Telephone Authority and)	CC Docket No. 96-45
CenturyLink QC's for Waiver of the Definition of "Study)	
Area" Contained in Part 36, Appendix-Glossary of the)	
Commission's Rules)	

PETITION FOR STUDY AREA WAIVER

Cheyenne River Sioux Tribe Telephone Authority (CRSTTA) and CenturyLink QC jointly petition (together the Petitioners) the Commission for a waiver of the definition of "study area" of the Commission's rules¹ in order to transfer three households² that are located in CenturyLink QC's study area (Study Area Code: 395145) to CRSTTA's study area (Study Area Code: 391647). These three households currently do not receive telecommunications services from CenturyLink.

CRSTTA is a tribally owned local exchange carrier located on and serving the Cheyenne River Indian Reservation in north central South Dakota. CRSTTA's headquarters are located in Eagle Butte, South Dakota. CenturyLink is also a local exchange carrier in South Dakota serving numerous exchanges including the Timber Lake Exchange, which is just east and north of CRSTTA's Eagle Butte Exchange. CRSTTA has fiber optic facilities to serve the four households. Both Petitioner's support this modification of their study areas and jointly petition the Commission for this change.

¹ See 47 C.F.R. Part 36 App.; *Dubois Telephone Exchange, Inc. and Qwest Corporation, Joint Petition for Waiver of the Definition of "Study Area" Contained in Part 36, Appendix-Glossary of the Commission's Rules*, CC Docket No. 96-45 (filed Mar. 12, 2008) (Petition).

² Two of the customers reside at the same location. Thus the total number of customers is 4, but there are only 3 household locations.

CRSTTA is requesting a Study Area Waiver for the primary purpose of amending its current exchange service territory to add three additional customers and CenturyLink to remove them. A new proposed Exchange Service Territory Map is attached hereto. (See Exhibits A, A-1, and A-2).

Standard for Study Area Waiver

Effective November 15, 1984, the Commission froze all study area boundaries to “prevent incumbent LECs from establishing separate study areas made up of only high-cost exchanges to maximize their receipt of universal service high-cost support.”³ In order to change or acquire new territories, a carrier must apply to the Commission for a waiver.

The Commission applies the following three-part standard when evaluating petitions seeking a waiver of the rule freezing study area boundaries: “(1) the change in study area boundaries must not adversely affect the universal service fund; (2) the state commission having regulatory authority over the transferred exchanges does not object to the transfer; and (3) the transfer must be in the public interest.”⁴

As outlined below, Petitioners meet all three-parts of the standard as described above.

1. Universal Service Fund

To evaluate the impact on the universal service fund, the Commission “analyzes whether a study area waiver will result in an annual aggregate shift in an amount equal to or greater than one percent of high-cost support in the most recent calendar year.”⁵ The universal service fund

³ See para. 2 of Order adopted May 19, 2010; *Dubois Telephone Exchange, Inc. and Quest Corporation Joint Petition for Waivers of the Definition of “Study Area” Contained in Part 36, Appendix-Glossary of the Commission’s Rules*; citing *MTS and WATS Market Structure, Amendment of Part 67 of the Commission’s Rules and Establishment of a Joint Board*, CC Docket Nos. 78-72, 80-286, Decision and Order, 50 Fed. Reg. 939 (1985) (*Part 67 Order*); 47 C.F.R. Part 36 App.

⁴ See *id.* at para 6.

⁵ See *id.*

will not be adversely affected by granting this study area waiver. “Section 54.305(b) of the Commission’s rules limits high-cost loop support and local switching support for acquired exchanges to the same per-line support levels for which the exchanges were eligible prior to their transfer.”⁶ CRSTTA will not receive any additional universal service support as a result of this transaction. Further, CenturyLink does not receive any CAF Phase I or II support for the three households transferred.

2. State Approval

The South Dakota Public Utilities Commission (“SDPUC”) has service area regulatory authority over the CRSTTA and CenturyLink study areas. By Order on November 29, 2016, the SDPUC unanimously granted Amended Certificates of Authority to Petitioners and transferred the four households from CenturyLink territory to CRSTTA (See Exhibit B). The SDPUC expressly noted that “CRSTTA has met the legal requirements established for the granting for an amended certificate of authority”. Subsequently, CRSTAA submitted letters from the affected customers memorializing their consent to the change within two weeks of the order as required by the Order (See Exhibit C).

3. Public Interest Benefits

CRSTTA has fiber facilities to the area and is willing and able to provide service to these three customers. This boundary change will serve the public interest by enabling CRSTTA to provide telecommunications services to an area that was previously unserved.

Application Fee Waiver Request

Additionally, Petitioners respectfully request a waiver of the \$8790 application fee for carriers seeking a study area waiver to transfer lines below the exchange level. “The Commission

⁶ See *id.* at para. 8.

generally considers petitions seeking to transfer lines at the sub-exchange level as routine.”⁷ The Commission has noted that “the burden and cost has been reduced even further by the streamlined study area boundary freeze waiver process instituted in the USF/ICC Transformation Order. The administrative burden and cost associated with reviewing these petitions and issuing decisions, therefore, is relatively small, while the amount of the fee is a deterrent to transferring lines at the sub-exchange level.”⁸ In applying this standard, there is good cause to grant the application fee waiver for this Petition particularly since the boundary study area waiver request is to transfer three households.

Conclusion

Petitioners have met their burden of proving that the proposed study area boundary waiver has met the three-part standard applied by the Commission to evaluate Study Area Boundary Waiver Petitions. Additionally, they have shown good cause for the grant of the application fee waiver. Therefore, Petitioners respectfully request that the Commission grant the petition to waive its frozen study area boundaries to allow the households currently located in the CenturyLink territory to be transferred to CRSTTA territory and grant the application fee waiver.

Respectfully Submitted,


DATE: June 8, 2017

Signature Pages to Follow

⁷ See para 89 of Report and Order, Declaratory Ruling, Order, Memorandum Opinion and Order, Seventh Order on Reconsideration, and Further Notice of Proposed Rulemaking adopted June 10, 2014; *In the Matter of Connect America Fund, Universal Service Reform – Mobility Fund, ETC Annual Reports and Certifications, Establishing Just and Reasonable Rates for Local Exchange Carriers, Developing an Unified Inter-carrier Compensation Regime*.

⁸ See *id.*

Cheyenne River Sioux Tribe Telephone Authority

A handwritten signature in cursive script, appearing to read 'Mona L. Thompson', is written over a horizontal line.

Mona L. Thompson

General Manager

C.R.S.T. Telephone Authority

100 Main Street

P.O. Box 810

Eagle Butte, SD 57625

CenturyLink QC



Jason D. Topp

Senior Counsel

CenturyLink

200 South 5th Street, Room 2200

Minneapolis, MN 55402