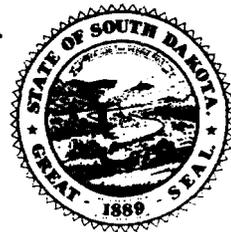




South Dakota Public Utilities Commission

DOCKET FILE COPY ORIGINAL



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

April 24, 1998

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Re: CC Docket No. 96-45 and 97-160 [DA 98-715]
(Additional Proposals)

Dear Ms. Salas:

Enclosed are an original plus six copies of the South Dakota Public Utilities Commission's Comments to be filed in the above docket. Please date-stamp one copy and return it in the enclosed, self-addressed stamped envelope.

Sincerely,

William Bullard, Jr.
Executive Director

CGB:cgb
Enclosure
cc: Parties of Record

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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In the Matter of)	
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45 and 97-160 [DA 98-715]

ADDITIONAL PROPOSALS

**COMMENTS OF THE
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

Pursuant to Sections 1.49, 1.415, and 1.419 of the Federal Communications Commission's ("FCC" or "Commission") Rules of Practice and Procedure, 47 C.F.R. §§ 1.49, 1.415, and 1.419 (1997), the South Dakota Public Utilities Commission respectfully submit the following comments addressing the FCC Common Carrier Bureau's April 15, 1998 Public Notice DA 98-715 titled "Common Carrier Bureau Seeks Comment On Proposals To Revise The Methodology For Determining Universal Service Support" released in the above captioned proceeding.

In the Public Notice, the FCC seeks to augment the record by encouraging interested parties to submit additional proposals for modifying the Commission's methodology for determining the appropriate level of federal universal service support that non-rural carriers will receive beginning January 1, 1999.

In the period of almost one year since the Commission's May 1997 Order on Universal Service, there has been a massive effort on the part of state regulators and their staffs, industry representatives, state consumer advocates, and others, to examine the Commission's plan and to evaluate and modify the forward-looking cost models. Many states have conducted investigations and hearings into cost studies and models as a part of

implementing various portions of the Telecommunications Act of 1996. Through such analysis and evaluation, the models have been improved and the methodology has received a great deal of scrutiny. We commend the Commission for taking the opportunity at this time to request further input from parties after almost a year of “living with” the high cost support methodologies.

A number of states have expressed their concern with the Commission’s methodology through Petitions for Reconsideration and other actions. This has not, however, retarded the efforts of the states and their staffs from attempting to comply with the intent of Congress and the Commission in addressing these issues. Most states have, to greater or lesser degree, participated in discussions and evaluation of universal service support mechanisms, focused on either the federal plan, an interstate process, or both. Within the past several weeks, state regulatory staff members have accelerated their efforts to achieve consensus on an alternative to the Commission’s methodology. While consensus had not been reached on a single alternative prior to the issuance of the Public Notice, state efforts continue.

During state staffs’ discussions, two options have been brought forward in this filing for further evaluation and discussion. While neither of these options represent a proposal by state regulators, we believe it is important to introduce these options into the record of this proceeding and allow parties to comment on the reasonableness of these plans. It must be stressed that neither of these options represents a proposal of the South Dakota Public Utilities Commission, but are presented as options for further discussion and improvement. The two options are referred to herein as the “variable benchmark” option and the “variable support” option.

Variable Benchmark Option

Under the variable benchmark option, the federal high cost program would supply 100% funding support to areas served by non-rural LECs whose costs to serve an area exceed a benchmark that varies from state to state. The cost would be determined by using a forward-looking economic cost proxy model. Conceptually, the benchmark would vary based on a measure that reflects a state’s ability to internally support and fund universal

service requirements. States that have a relatively low ability to internally support universal service would have a relatively low benchmark, while states that have a relatively high ability to internally support universal service would have a relatively high benchmark.

The variable benchmark would be based on two principal components: (1) the state's forward-looking economic cost as determined by the cost proxy model; and (2) the state's ability to internally fund its universal service requirements. This option contemplates that the first component would require the use of a forward-looking cost model for determining costs on a relatively small geographic basis. Creation of a state high cost fund is neither required nor precluded under this option. Non-rural Eligible Telecommunications Carriers would be reimbursed directly by the federal high cost fund administrator for customers served within the high cost area. This approach would ensure that all of the very highest cost areas throughout the nation are supported through the federal program.

Incorporating the second component -- a state's ability to fund its universal service requirements internally -- into a variable benchmark would be a two-step process. First, a factor must be selected that serves to differentiate among states that will get more versus less support. Second, that factor must be used to vary the benchmark over the range of benchmarks to be considered. As an example, "State A" might have a large revenue base that would require less support, and its benchmark for the federal fund might be \$75, while "State B" might require more support, and would have a federal funding benchmark of \$40. The factor used to differentiate among the states must be based on independent, publicly available data. Such a factor might recognize the ratio of intrastate revenues to total revenues; the ratio of intrastate traffic volumes to total traffic volumes; the degree of variability of cost throughout the state; the ratio of lines located in urban and rural areas of the state; the state's ability to keep local rates within a reasonable range, a measure of local competition in the state, or some combination of these or other measures. Other parties may provide different logical and relevant choices for the factor to be used in this option, and the FCC should consider all reasonable alternatives.

Because the FCC has not yet chosen the most appropriate forward-looking cost model or its inputs, this option is presented on a conceptual basis at this time. It is

meaningless to calculate a total fund size or a state-by-state distribution of support resulting from use of this option without resolving the cost model platform issues, choice of inputs, geographical support area and the factor(s) for varying the benchmark. Because of the wide range of options, however, it is clear that this option could be designed to provide a wide range of support amounts while reasonably controlling the size of the federal fund.

Variable Support Option

Under this option, the support amount for each non-rural Eligible Telecommunications Carrier would be computed as the difference between the cost of serving an area and a nation-wide benchmark; however, the federal percentage of high cost funding would vary from state to state. In contrast to the plan adopted in the FCC's May 8, 1997 order in which the payment of federal support remains a constant 25% in all states, under this option the percentage of federal support provided will vary depending on the state's ability to internally support universal service. States that have a relatively low ability to internally support and fund universal service will have a relatively high percentage of support provided through the federal program, while states that have a greater ability to internally support universal service will receive a lower percentage of federal support.

Like the variable benchmark option, this option would reflect the state's ability to fund its universal service requirements internally. This option contemplates the use of a forward-looking cost model for determining the amount of support on a relatively small geographic basis. However, contrasted with the variable benchmark option, the variable support option would utilize a single benchmark for all states. Variability would occur in the percentage of the federal contribution to the support of the high cost areas for each state. This variability would be based on a factor that would yield a range of funding percentages. As with the variable benchmark option, any factor used for this purpose should be based on independent, publicly available data. The factor for varying the federal support percentage might include the ratio of intrastate revenues to total revenues; the ratio of intrastate traffic volumes to total traffic volumes; the degree of variability of cost throughout the state; the ratio of lines located in urban and rural areas of the state; the

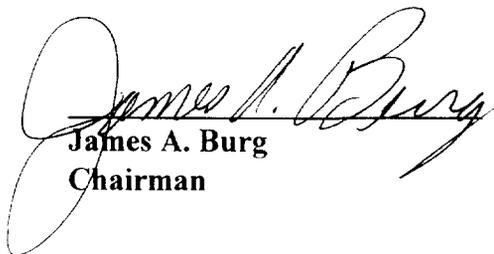
state's ability to keep local rates within a reasonable range, a measure of local competition in the state, or some combination of these or other measures. Other parties may provide different logical and relevant choices for the factor to be used in this option, and the FCC should consider all reasonable alternatives.

Because the FCC has not yet chosen the most appropriate forward-looking cost model or its inputs, this option is presented on a conceptual basis at this time. It is meaningless to calculate a total fund size or a state-by-state distribution of support resulting from use of this option without resolving many issues, including the choice of the cost model platform, choice of inputs, geographical support area and the factor(s) to be used for varying the federal support amount. Because of the wide range of options, however, it is clear that this option could be designed to provide a wide range of support amounts while reasonably controlling the size of the federal fund.

Conclusion

With the submission of these options for further discussion, we would encourage the states and other parties to provide comments on the concepts and factors that would be used to design a more appropriate federal funding mechanism.

Respectfully submitted by the South Dakota Public Utilities Commission this 24th day of April 1998.



James A. Burg
Chairman



Pam Nelson
Commissioner

CERTIFICATE OF SERVICE

I hereby certify that copies of the Comments of the South Dakota Public Utilities Commission were served on the following by mailing the same to them by United States Post Office First Class Mail, postage thereon prepaid, at the address shown below on the 24th day of April, 1998.

See attached Exhibit A.



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EXHIBIT A

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