

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

In the Matter of)	
Application of Sprint Communications)	WC Docket No. 15-186
Company L.P. To Discontinue Domestic)	Comp. Pol. File No. 1230
Telecommunications Services)	

COMMENTS OF THE OGLALA SIOUX TRIBE UTILITY COMMISSION

The Oglala Sioux Tribe Utility Commission (“OSTUC”) hereby submits these Comments on the Federal Communications Commission’s (“FCC’s”) *Public Notice* seeking comment on the Sprint Communications Company L.P. (“Sprint”) application to discontinue domestic telecommunications services.¹ The OSTUC has not been provided with the necessary information to take a position on Sprint’s discontinuation of domestic telecommunications services on the Pine Ridge Indian Reservation (“PRIR”); however, any discontinuation of service must be, as the FCC has recognized, be consistent with the “public convenience and necessity,” which requires Sprint to meet all applicable requirements for discontinuation of service, including those on the PRIR.

Sprint has refused to recognize the jurisdiction and authority of the OSTUC, who regulates utility services, including telecommunications, on the PRIR, resulting in pending litigation between Sprint and the OSTUC. A Federal Court recently denied Sprint’s request to enjoin the Oglala Sioux Tribe from exercising jurisdiction over Sprint’s provision of telecommunications services on the PRIR.²

The OSTUC has jurisdiction over utility providers operating on the PRIR,

¹ FCC Public Notice, *Comments Invited on Application of Sprint Communications Company L.P. To Discontinue Domestic Telecommunications Services*, WC Docket No. 15-186, Comp. Pol. File No. 1230, DA 15-935, August 19, 2015 (“*Sprint Discontinuation of Service Public Notice*”).

² *Sprint Communications Company L.P., and Sprint Communications, Inc. f/k/a Sprint Nextel Corporation, Plaintiffs, vs. Mary Wynne, in her Official Capacity as Chief Judge of the Oglala Sioux Tribal Court; Oglala Sioux Tribe Utilities Commission, et al., Order Denying Motion For Preliminary Injunction and Staying Case*, United States District Court, District of South Dakota, Southern Division, Case 4:15-CV-04051-KES, August 4, 2015.

including Sprint. The Oglala Sioux Tribe “formally delegates exclusive and essential government functions and authority for the appropriate and independent regulation of utilities on the Pine Ridge Indian reservation” to the OSTUC. Section 3-102 of the Oglala Sioux Tribe Utilities Code. It is the purpose and intent of the Tribal Council that “the operations of the Commission be conducted independently and on behalf of the Tribe for the sole benefit and interests of the Tribe, its members, and the residents of the Reservation.” Section 3-102(3) of the Oglala Sioux Tribe Utilities Code. The OSTUC has exercised this jurisdiction over utility providers operating on the PRIR by adopting several orders, including the *Utility Order* on September 9, 2014, which, among other things, establishes the following basic consumer protection requirements applicable to utility providers, including Sprint:³

- a requirement to inform customers prior to termination of service that they may file a complaint with the Commission at the following address:
Consumer Complaint Division, Oglala Sioux Tribe Utility Commission, P.O. Box 669, Pine Ridge, South Dakota 57770, 605-867-5771.
- a requirement to report quarterly within 30 days of the end of each quarter (Jan – Mar, Apr – Jun, Jul – Sep, and Oct – Dec) the number of service terminations, the reason for termination of service, the terms and conditions for termination, and the requirements for reconnection.

To date, Sprint has not met these requirements and has not provided the OSTUC with any information about its planned termination of domestic telecommunications service on the PRIR. The OSTUC understands that Sprint has long distance customers on the PRIR that may be impacted by its proposed termination of service. Until Sprint demonstrates that it has met its obligations to “inform customers prior to termination of service that they may file a complaint with the Commission” and comply with other applicable requirements on the PRIR, the FCC should not allow Sprint’s planned termination of service on the PRIR to go into effect.

³ *Inquiry into the rates, terms, and conditions of service being provided by utilities on the Pine Ridge reservation, Final Order, Case No. U-1-2014, September 9, 2014 (“Utility Order”).*

Furthermore, “according to Sprint, customers also may purchase substitute long distance services and features from wireless carriers such as Sprint or from a host of other alternative providers such as interconnected Voice over Internet Protocol providers,”⁴ however, the OSTUC does not believe Sprint provides wireless service on the PRIR and there may not be alternative providers available for Sprint’s customers on the PRIR.

The OSTUC respectfully requests that, prior to allowing Sprint to discontinue service on the PRIR, the FCC requires Sprint to meet all applicable requirements on the PRIR, including compliance with OSTUC rules and orders, such as the discontinuation of service requirements in the OSTUC *Utility Order*.

Respectfully submitted,

OGLALA SIOUX TRIBE UTILITY COMMISSION⁵

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⁴ *Sprint Discontinuation of Service Public Notice* at p.2.

⁵ Approved by the Commission at its September 1, 2015 Agenda Meeting. Commissioner Ivan Bettelyoun not voting.