

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

In the Matter of	)	
	)	
Petition of Standing Rock	)	
Telecommunications, Inc., for	)	
Designation as an Eligible	)	WC Docket No. 09-197
Telecommunication Carrier	)	
Pursuant to Section 214(e)(6) of	)	
the Telecommunications Act of 1996	)	

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

The South Dakota Public Utilities Commission (“SDPUC”) submits these comments regarding the petition for designation as an Eligible Telecommunications Carrier (“ETC”) filed by Standing Rock Telecommunications, Inc. (“SRTI”). According to the notice released on January 19, 2010, the Federal Communications Commission (“FCC” or “Commission”) has set February 18, 2010, as the date for initial comments.

As stated in its petition, SRTI is a tribal government-owned wireless carrier of the Standing Rock Sioux Tribe.<sup>1</sup> SRTI is requesting designation as an ETC “for a service area coterminous with the existing rural study areas within the external boundaries of the Standing Rock Sioux Reservation (coinciding with the boundaries of Sioux County, North Dakota and Corson County, South Dakota).”<sup>2</sup> SRTI has constructed 16 towers on the Standing Rock Sioux Reservation.<sup>3</sup> SRTI is “scheduled to launch its operations in January 2010 and through its network design, will provide supported services to all customers living within its service area.”<sup>4</sup>

SRTI is requesting designation as an ETC in accordance with the FCC’s *Twelfth Report and Order*.<sup>5</sup> Pursuant to that order, a carrier seeking ETC designation for service provided on tribal lands may petition the Commission directly for designation under section 214(e)(6).<sup>6</sup> SRTI asserts the FCC has jurisdiction to designate it as an ETC.<sup>7</sup>

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<sup>1</sup> SRTI Petition at 1.

<sup>2</sup> *Id.* at 3.

<sup>3</sup> *Id.* at 18-19.

<sup>4</sup> *Id.* at 21.

<sup>5</sup> *Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208 (2000) (“*Twelfth Report and Order*”).

<sup>6</sup> *Id.* at 12265, para. 115. Pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended, if a carrier is “not subject to the jurisdiction of a State commission, the [FCC] shall upon request designate such a common carrier that meets the requirements of [section 214(e)(1)] as an eligible telecommunications carrier for a service area designated by the [FCC] consistent with applicable Federal and State law.”

<sup>7</sup> SRTI Petition at 8-11.

Having reviewed the petition, the SDPUC does not contest the authority of the FCC to designate SRTI as an ETC based on the facts provided in SRTI's petition. The SDPUC requests the FCC proceed with its determination regarding the merits of SRTI's petition.

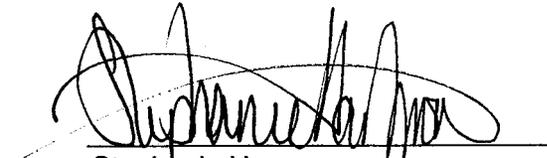
Respectfully submitted,

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

By: /S/ Rolayne Ailts Wiest  
Rolayne Ailts Wiest  
SDPUC Attorney  
500 E. Capitol Ave  
Pierre, SD 57501  
605.773.3201

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 18<sup>th</sup> day of February, 2010, a true and correct copy of the Comments of the South Dakota Public Utilities Commission was served via electronic mail to the following:



Stephanie Harmon

BEST COPY AND PRINTING INC  
445 TWELFTH STREET SW ROOM CY-B402  
WASHINGTON DC 20554  
[www.bcpiweb.com](http://www.bcpiweb.com)

DIVYA SHENOY  
445 12<sup>th</sup> STREET SW  
ROOM 5-B510  
WASHINGTON DC 20554  
[Divya.Shenoy@fcc.gov](mailto:Divya.Shenoy@fcc.gov)

CHARLES TYLER  
445 12<sup>th</sup> STREET SW  
ROOM 5-A452  
WASHINGTON DC 20554  
[Charles.Tyler@fcc.gov](mailto:Charles.Tyler@fcc.gov)

DOUGLAS G BONNER  
HEATHER DAWN THOMPSON  
SONNENSCHN NATH & ROSENTHAL  
1301 K ST NW SUITE 600  
EAST TOWER  
WASHINGTON DC 20005  
[dbonner@sonnenschein.com](mailto:dbonner@sonnenschein.com)  
[hthompson@sonnenschein.com](mailto:hthompson@sonnenschein.com)