

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

In the Matter of)	
)	
Petition of Standing Rock)	WC Docket No. 09-197
Telecommunications, Inc.,)	
to Redefine Rural Service Areas)	

COMMENTS

The South Dakota Telecommunications Association (SDTA), North Dakota Association of Telecommunications Cooperatives (NDATC), West River Cooperative Telephone Company (WRCTC) and West River Telecommunications Cooperative (WRTC) (hereinafter jointly referred to as the Commenters), by their attorneys, hereby submit comments on the above-referenced petition of Standing Rock Telecommunications, Inc. (SRTI), in which SRTI asks the Commission to redefine the service areas of WRCTC and WRTC in connection with its request for designation as an eligible telecommunications carrier (ETC) on the Standing Rock Sioux Tribe (SRST) Reservation. As demonstrated below, SRTI's request should be denied with respect to the St. Anthony and Mobridge wire centers of WRTC and the Lemmon and Meadow wire centers of WRCTC.

In its Petition, SRTI indicates that it is requesting that its ETC service area be defined as coterminous with the boundaries of the SRST Reservation, which also is its licensed service area.¹ While certain parts of WRTC's and WRCTC's study areas are within the boundaries of the SRST Reservation, the SRST Reservation does not cover the

¹ Petition at 5.

entire study areas of WRTC and WRCTC. Accordingly, SRTI asks the Commission to redefine the service area of WRTC and WRCTC by creating a service area comprised of the individual wire centers that are “located both within the SRTI service area and within the current ILEC study areas.”² SRTI asks the Commission to redefine WRCTC’s service area by creating a service area comprised of the Lemmon wire center in North Dakota and South Dakota and the Meadow wire center in South Dakota. SRTI asks the Commission to redefine the service area of WRTC by creating a service area comprised of the St. Anthony, Selfridge and Fort Yates wire centers in North Dakota and the McLaughlin and Mobridge wire centers in South Dakota.

In an area served by a rural telephone company, the Act specifies that the “service area” for a carrier seeking ETC designation is the study area of the rural telephone company “unless and until the Commission and the States... establish a different definition of service area for such company,”³ which is referred to as “redefinition.” The Act also requires ETCs to offer the services that are supported by Federal universal service support mechanisms “throughout the service area for which the designation is received.”⁴ Further, in the *Highland Cellular Order*, the Commission found that prior to designating an ETC in a rural telephone company’s service area, “the competitor must commit to provide the supported services to customers throughout a minimum geographic area” and that “[a] rural telephone company’s wire center is an appropriate minimum geographic area for ETC designation.”⁵ The Commission also found that

² Petition at 6.

³ 47 U.S.C. §214(e)(5).

⁴ 47 U.S.C. §214(e)(1)(A).

⁵ In the Matter of Highland Cellular, Inc. Petition for Designation as an Eligible Telecommunications Carrier for the Commonwealth of Virginia, CC Docket No. 96-45, Memorandum Opinion and Order, 19 FCC Rcd 6422, 6438, para. 33 (2004).

“making designations for a portion of a rural telephone company’s wire center would be inconsistent with the public interest.”⁶ Thus, under the Commission’s established process for service area redefinition: a competitive ETC’s service area can be smaller than the ILEC’s study area; a competitive ETC must serve the entire area for which it receives ETC designation; and the Commission has established the wire center as the minimum geographic area for a competitive ETC designation.

SRTI seeks redefinition of WRCTC’s and WRTC’s study areas because it will not provide service throughout the entirety of each of the incumbent LEC study areas and, therefore, it cannot be designated as an ETC throughout each of the existing study areas. What is clear, however, is that SRTI also will not provide service throughout the entire geographic area of each of the wire centers (exchange areas) for which it seeks redefinition.

In its petition requesting ETC designation, SRTI states that it seeks such designation for the area within the boundaries of the SRST Reservation. In its current petition, SRTI asks the Commission to redefine the service area of WRCTC and WRTC to the wire center level for those wire centers within the boundaries of the SRST Reservation, including the Lemmon and Meadow wire centers of WRCTC and the St. Anthony and Mobridge wire centers of WRTC. These wire centers or exchange areas, are not, however, located entirely within the boundaries of the SRST Reservation, which appears to be SRTI’s requested service area. In fact, in regards to the Lemmon, Meadow, and St. Anthony wire centers (exchange areas) most of the geographic area that is part of these wire centers and a substantial majority of lines served within these wire centers lie

⁶ Id.

outside the boundaries of the SRST Reservation.⁷ For the Lemmon exchange, which encompasses 883.77 square miles and 1443 subscriber lines, 688.79 square miles and 1382 subscriber lines are located outside the SRST Reservation boundary. For the Meadow exchange, which encompasses 815.87 square miles and 209 subscriber lines, 679.1 square miles and 191 subscriber lines are located outside the SRST Reservation boundary. For the St. Anthony exchange, which encompasses 534 square miles and 314 subscriber lines, 364 square miles and 225 subscriber lines are located outside the SRST Reservation boundary. In regards to the Mobridge exchange, a portion of the wire center (exchange area) rests outside of the SRST Reservation boundaries and a very substantial majority of the existing subscriber lines served are located outside the SRST Reservation. Currently, of the 2276 subscriber lines served by WRTC as the incumbent LEC in the Mobridge wire center, 2145 of these subscriber lines are located outside the SRST Reservation boundary and only 131 extend to locations within the SRST Reservation. Thus, SRTI's Petition appears to concede that it will not provide the services supported by federal universal service to either the entire area covered by or the majority of the subscribers located within these wire centers or exchange areas.

Commenters believe just as this Commission found in its *Highland Cellular Order* that “making designations for a portion of a rural telephone company’s wire center would be inconsistent with the public interest,” it would be inconsistent with the public interest to grant a petition for service area redefinition to the extent that such redefinition seeks to include wire centers or exchange areas where the competitive ETC seeks to serve

⁷ A similar situation is presented in regards to the Isabel wire center or exchange area served by the Cheyenne River Sioux Tribe Telephone Authority (CRSTTA). As stated in comments filed by CRSTTA in this matter the majority of the Isabel wire center, a portion of which SRTI also seeks to include within its ETC service area, is located outside of the SRTI Reservation boundaries.

Certificate of Service

I hereby certify that on March 26, 2010, a copy of the forgoing Comments of the South Dakota Telecommunications Association, North Dakota Association of Telecommunications Cooperatives, West River Cooperative Telephone Company, and West River Telecommunications Cooperative was served on the following via electronic mail:

Douglas G. Bonner
Attorney for Standing Rock
Telecommunications, Inc.
Sonnenschein, Nath, & Rosenthal
1301 K Street NW
Suite 600 – East Tower
Washington, DC 20005
dbonner@sonnenchein.com

Divya Shenoy
Telecommunications Access Policy
Division
Wireline Competition Bureau
445 12th Street, S.W.
Room 5-B510
Washington, D.C. 20554
Divya.shenoy@fcc.gov

Rolayne Ailts Weist
South Dakota Public Utilities
Commission
500 East Capitol Ave
Pierre, SD 57501
Rolayne.wiest@state.sd.us

Charles Tyler
Telecommunications Access Policy
Division
Wireline Competition Bureau
445 12th Street, S.W.
Room 5-A452
Washington, D.C. 20554
Charles.tyler@fcc.gov

Nicholas A. Degani
Telecommunications Access Policy
Division
Wireline Competition Bureau
445 12th Street, S.W.
Room 5-B510
Washington, D.C. 20554
Nicholas.degani@fcc.gov

Best Copy and Printing, Inc.
445 12th Street, S.W.
Room CY-B402
Washington, D.C. 20554
fcc@bcpiweb.com

By: /s/ Salvatore Taillefer, Jr.

Salvatore Taillefer, Jr.
Blooston, Mordkofsky, Dickens,
Duffy & Prendergast, LLP
2120 L Street, NW, Suite 300
Washington, DC 20037