

## 2021 South Dakota Legislature

**House Bill 1207****AMENDMENT 1207A FOR THE INTRODUCED BILL**

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

1 **An Act to revise certain provisions related to telecommunications companies.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1.** That a NEW SECTION be added:

4 **49-31-3.5. Reclassification proceeding for noncompetitive service--Factors**  
5 **in determining reclassification.**

6 A price cap local exchange carrier may petition the commission to declare a  
7 noncompetitive service reclassified as an emerging competitive service or a fully  
8 competitive service as it affects a customer or set of customers within a particular  
9 exchange. The petition shall be filed with the commission and served on any affected  
10 customer or person. The commission, in determining how a telecommunications service  
11 is to be classified, shall consider:

12 (1) The number of alternative providers of the service and the affiliation to other  
13 providers, regardless of technology used to provide the service;

14 (2) The extent to which services are available from alternative providers in the relevant  
15 market;

16 (3) The ability of alternative providers to make functionally equivalent or substitute  
17 services readily available at competitive rates, terms, and conditions of service;

18 (4) A comparison of the cost of extending and maintaining service compared to the  
19 revenue associated with such service; and

20 (5) Customer preference, including the percentage of customers in the affected area  
21 that have chosen to obtain service from a different provider.

22 If the parties agree, the commission may order that the parties initiate and pursue  
23 a territory transfer for a particular customer or set of customers. The commission shall  
24 approve or deny any such petition within ninety days after the filing of the application.

1 However, the commission may, by order, defer the period within which it must act for one  
2 additional period of ninety days, upon a finding that the proceeding cannot be completed  
3 within ninety days and that the additional time period is necessary for the commission to  
4 adequately and completely fulfill its duty. If the commission has not acted on any such  
5 petition within the time permitted, the petition shall be deemed granted.

6 For purposes of this section, the definition of price cap local exchange carrier at 47  
7 C.F.R. § 61.3 as of January 1, 2021 is adopted.

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