

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE APPLICATION OF)
EZEE FIBER TEXAS, LLC FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY TO OPERATE)
AS A FACILITIES-BASED AND RESALE COMPETITIVE)
LOCAL AND INTEREXCHANGE CARRIER OF)
TELECOMMUNICATIONS SERVICES IN THE)
STATE OF SOUTH DAKOTA)**

Docket No. TC25-037

SDTA Petition to Intervene

The South Dakota Telecommunications Association (“SDTA”) hereby petitions the Public Utilities Commission (“Commission”) for intervention in the above captioned proceeding pursuant to SDCL 1-26-17.1 and ARSD §§20:10:01:15.02, 20:10:01:15.3, 20:10:01:15.04 and 20:10:01:15.05. In support hereof, SDTA states as follows:

1. SDTA is an incorporated organization representing the interests of numerous cooperative, independent and municipal telephone companies operating throughout the State of South Dakota.
2. All SDTA member companies operate as “rural telephone companies” for purposes of the Federal Telecommunications Act of 1996 and also the state laws enacted in 1998 addressing local exchange competition (SDCL § 49-31-69, et. seq.).
3. On or about October 30, 2025, Ezee Fiber Texas, LLC (hereinafter referenced as “Ezee Fiber” or “Applicant”) filed an Application with the Commission, pursuant to the provisions of ARSD §§ 20:10:32:03 and 20:10:24:02, seeking authority to provide telecommunication services throughout the entire state of South Dakota. See Application, section 9.

4. Based on the geographic scope of Ezee Fiber's Application, SDTA believes that all its member local exchange carriers have an interest in and stand to be impacted by this proceeding.

5. Under both federal and state law several rural safeguards have been established to assist in the preservation and advancement of universal service within high cost rural service areas. One such safeguard is found in 47 U.S.C. § 253(f) and SDCL § 49-31-73. Under these statutes, states are authorized to condition competitive entry into rural telephone company service areas by imposing certain minimum telecommunications service obligations. The obvious intent of these statutes is (1) to ensure that competing carriers make their service offerings available to all consumers, including higher cost consumers within rural service areas; and (2) to prevent or minimize the adverse impacts that "cream-skimming" or "cherry-picking" practices are likely to have on efforts to preserve affordable universal service.

6. This Commission adopted administrative rules to implement this rural safeguard. ARSD § 20:10:32:15 of the Commission's rules specifically provides, "if a telecommunications company is seeking authority to provide local exchange service in the service area of a rural telephone company, the company shall satisfy the service requirements imposed on eligible telecommunications carriers pursuant to 47 U.S.C. § 214(e)(1) and applicable federal regulations."

7. SDTA seeks intervention herein based on the individual interests of each of its member companies and based on their common interests to ensure that the rural safeguard provisions contained in federal and state laws are carefully considered and incorporated into any Commission Order that may result from Ezee Fibers's Application.

8. SDTA is an interested party in this matter and seeks intervening party status.

Dated this 10 day of November 2025.

/s/ Kara Semmler

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