
STAFF MEMORANDUM

TO: COMMISSIONERS AND ADVISORS

FROM: KARA SEMMLER AND PATRICK STEFFENSEN

RE: TC12-035 – In the Matter of the Application of Midcontinent Communications for and Amended Certificate of Authority

DATE: August 23, 2012

Commission Staff (Staff) submits this Memorandum in analysis of the Amended Certificate of Authority filing made by Midcontinent Communications (Midcontinent).

BACKGROUND

On April 25, 2012, Midcontinent filed an application for an Amended Certificate of Authority. If granted, the Amendment allows Midcontinent to provide local exchange services within the rural exchange area of Lennox, SD. The area at issue in the application is in the Knology Community Telephone (Knology) study area and is depicted with the purple shaded area on the map provided in Exhibit B filed on May 24, 2012. As the map shows, the area is not the entire Knology study area. As a result, Midcontinent requests a waiver of ARSD 20:10:32:15 to the extent the area depicted is not the entire Knology study area.

On May 11, 2012, both Knology and SDTA submitted petitions for intervention. The petitions were granted on June 11, 2012. Knology and SDTA have since submitted petitions to withdraw intervention on August 13th and 14th, respectively.

STAFF RECOMMENDATION

Staff reviewed the application and specifically considered the concept of “public interest” pursuant to ARSD 20:10:32:18. Staff argues competition in this suburbia Sioux Falls service area is in the public interest similar to how competition in the city of Sioux Falls is in the public interest.

Thus, staff recommends the Commission:

- 1) Grant a waiver of ARSD 20:10:32:15 to the extent the area is not the entire Knology study area,
- 2) Grant withdrawal of intervention to Knology and SDTA, and
- 3) Grant Midcontinent an Amended Certificate of Authority