

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE)
APPLICATION OF TELEPORT)
COMMUNICATIONS AMERICA, LLC) DOCKET NO. TC-13-107
FOR A CERTIFICATE OF AUTHORITY)
TO PROVIDE LOCAL EXCHANGE)
SERVICES WITHIN THE STATE OF)
SOUTH DAKOTA)

**REQUEST FOR WAIVER OF
ARSD SECTION 20:10:32:03 (12)**

Teleport Communications America, LLC (“TCAL”) respectfully requests a waiver pursuant to ARSD 20:10:32:03(23) of the ARSD 20:10:32:03(12) requirement that an applicant submit, in connection with a Certificate of Authority to Provide Local Exchange Services, “[f] or the most recent 12 month-period, financial statements of the applicant including a balance sheet, income statement and cash flow statement. “

On August 26, 2013, TCAL submitted an Application for Certificate of Authority to Provide Local Exchange Service within the State of South Dakota, assigned Docket No. TC13-107. As part of that Application, TCAL submitted a 2012 Annual Report for AT&T, Inc., which contains financial information demonstrating the sufficiency of TCAL’s and its corporate parent’s technical, financial and managerial resources and ability to provide basic local exchange telecommunications services in South Dakota.

TCAL does not maintain cash flow statements on a standalone basis, as would be required to comply with ARSD 20:10:32:03(12), nor does TCAL have financial statements for the last 12 months. Applicant has shared, confidentially with Staff, certain available financial data and believes the Annual Report, the Application itself and the data shared all represent an

accurate and complete picture of TCAL's financial strength equivalent to that required by ARSD 20:10:32:03(12).

There is precedent for granting this waiver. When another indirect subsidiary of AT&T Inc., TC Systems, Inc. filed an Application for Certificate of Authority to Provide Local Exchange Service, it also requested a waiver of ARSD 20:10:32:03(12) and reliance upon the annual report of its corporate parent, AT&T Inc. and certain financial information shared confidentially with the staff. The request for waiver was granted by the Commission in its Order Granting Certificate of Authority on January 9, 2012 in Docket No. TC11-091.

Accordingly, TCAL respectfully requests that the Commission grant a waiver of ARSD 20:10:31:03(12) to enable the above referenced application to proceed as filed.

Dated this 25th day of September, 2013

OLINGER, LOVALD, McCAHREN & REIMERS PC

/s/ William M. Van Camp
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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of September, 2013, I sent to:

Ms. Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
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Ms. Robin Meyerink
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by electronic mail, a true and correct copy of the foregoing **Request For Waiver Of ARSD Section 20:10:32:03 (12)** relative to the above-entitled matter.

/s/William M. Van Camp
William M. Van Camp