

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

**IN THE MATTER OF THE INVESTIGATION OF)
WHETHER SIOUX FALLS CABLE IS SUBJECT)
TO CERTIFICATION REQUIREMENTS)
)**

**ORDER GRANTING
REQUEST FOR
INVESTIGATION
TC96-105**

On June 20, 1996, the Commission received a letter from U S WEST Communications, Inc. (U S WEST) and "various documents concerning the establishment of the EdNet by the Sioux Falls School District. From the documents, it is abundantly clear that what the school district wants constitutes a telecommunications service, and that the provider must, if not already a certificated provider, submit the necessary application and documentation for a certificate as required by SDCL § 49-31-3 and commission rules. Sioux Falls Cable...is the provider of the EdNet. To the best of U S WEST's knowledge and belief, Sioux Falls Cable has not sought the requisite commission certification. U S WEST has discussed the legal requirement with Sioux Falls Cable, but Sioux Falls Cable appears not inclined to comply with the statutory requirements. U S WEST requests that the commission, pursuant to its authority in SDCL § 49-13-5, conduct an inquiry into this matter. If the facts are as revealed in the attached documents, U S WEST would ask that the commission direct that Sioux Falls Cable comply with the requirements of SDCL § 49-31-3."

On June 27, 1996, the Commission electronically transmitted notice of the filing to interested individuals and entities. At its regularly scheduled August 13, 1996, meeting, the Commission considered U S West's request for the Commission to open an investigation to determine if Sioux Falls Cable is subject to the certification requirements of the Commission.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3. The Commission believes there should be further investigation into this matter. It is therefore

ORDERED, that U S WEST's request for an investigation is granted to determine if Sioux Falls Cable is subject to the certification requirements of the Commission.

Dated at Pierre, South Dakota, this 21st day of August, 1996.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u><i>William Kalbo</i></u>
Date: <u>8/22/96</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner