

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION OF MCIMETRO ACCESS TRANSMISSION SERVICES, INC. FOR A CERTIFICATE OF AUTHORITY TO PROVIDE TELECOMMUNICATIONS SERVICES, INCLUDING LOCAL EXCHANGE SERVICES, IN SOUTH DAKOTA)))	ORDER GRANTING CERTIFICATE OF AUTHORITY; ORDER GRANTING WITHDRAWAL OF INTERVENTION
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TC97-022

On March 7, 1997, the South Dakota Public Utilities Commission (Commission), in accordance with SDCL 49-31-3 and ARSD 20:10:24:02, received an application from MCImetro Access Transmission Services, Inc. (Applicant) for a certificate of authority to operate as a telecommunications company within the state of South Dakota.

The Applicant plans to provide a full-range of telecommunications services such as various intrastate private line services and switched services, local exchange and intraLATA toll services. Initially, Applicant plans to provide services by reselling local telecommunications exchange services offered by the incumbent local exchange carrier. Applicant plans to interconnect network with U S WEST and other local exchange carriers in order to bring the widest range of services to consumers in South Dakota.

On March 13, 1997, the Commission electronically transmitted notice of the filing and the intervention deadline of March 28, 1997, to interested individuals and entities. On March 25, 1997, the South Dakota Independent Telephone Coalition (SDITC) filed for intervention. SDITC was granted intervention on April 1, 1997. On May 29, 1997, SDITC requested withdrawal of its intervention.

A regularly scheduled meeting of June 24, 1997, the Commission considered the application for certificate of authority and the request for withdrawal of intervention. Commission Staff recommended approval of the withdrawal of the intervention. Further, Commission Staff recommended granting the certificate of authority, subject to the condition that Applicant provide a bond or show updated financial information before offering services in South Dakota and subject to rural safeguards. Furthermore, Commission Staff recommended temporary waiver of subparagraphs (8) and (12) of ARSD 20:10:24:02 with respect to the provisioning of local services.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49- 31, specifically 49-31-3 and ARSD 20:10:24:02 and 20:10:24:03. The Commission finds that the request for withdrawal of intervention shall be granted. Further, the Commission finds that the certificate of authority shall be granted, subject to the Applicant providing a bond or showing updated financial information before offering services in South Dakota. The Commission finds that there is good cause to temporarily waive subparagraphs (8) and (12) of ARSD 20:10:24:02 with respect to the provisioning of local services.

The Commission approves Applicant's application for a certificate of authority, subject to rural safeguards. The certificate of authority for Applicant shall authorize it to offer local exchange services in those areas in South Dakota where U S WEST Communications, Inc. is the incumbent local exchange carrier. In the future, should Applicant choose to provide local exchange services statewide, with respect to rural telephone companies, Applicant will have to come before the Commission in another proceeding before being able to provide local service in that rural service area pursuant to 47 U.S.C. § 253(f) which allows the Commission to require a company that seeks to provide service in a rural service area to meet the requirements in 47 U.S.C. § 214(e)(1) for designation as an eligible telecommunications carrier. In addition, the granting of statewide certification will not affect the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f). As the Commission's final decision in this matter, it is therefore

ORDERED, that SDITC's request for withdrawal of intervention shall be granted. It is further

ORDERED, that Applicant be granted a certificate of authority, subject to the condition that Applicant provide a bond or show updated financial information before offering services in South Dakota. It is further

ORDERED, that Applicant shall file informational copies of tariff changes with the Commission as the changes occur. It is further

ORDERED, that the Commission shall authorize Applicant to offer its local exchange services in those areas in South Dakota where U S WEST Communications, Inc. is the incumbent local exchange carrier. It is further

ORDERED, that there is good cause to temporarily waive subparagraphs (8) and (12) of ARSD 20:10:24:02 with respect to the provisioning of local services.

Dated at Pierre, South Dakota, this 2nd day of July, 1997.

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: _____

Date: _____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

LASKA SCHOENFELDER,
Commissioner

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