

Telecommunications Orders - Issued 1997

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

IN THE MATTER OF THE APPLICATION OF LDM SYSTEMS, INC. FOR AN AMENDED CERTIFICATE OF AUTHORITY TO PROVIDE LOCAL EXCHANGE SERVICES IN SOUTH DAKOTA)))	ORDER GRANTING AMENDED CERTIFICATE OF AUTHORITY TC97-038
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On April 14, 1997, the Public Utilities Commission (Commission), in accordance with SDCL 49-31-3 and ARSD 20:10:24:02, received an application for an amended certificate of authority from LDM Systems, Inc. (LDM).

LDM proposes to provide local exchange services within South Dakota, including basic residential exchange services, residential custom and class features, basic business exchange services, business custom and class features, features such as voice mail and ancillary service such as 911, directory listing and directory assistance. A proposed tariff was filed by LDM.

On April 17, 1997, the Commission electronically transmitted notice of the filing and the intervention deadline of May 2, 1997, to interested individuals and entities. On April 29, 1997, South Dakota Independent Telephone Coalition (SDITC) filed a Petition to Intervene. On May 12, 1997, SDITC withdrew its Petition to Intervene. At its regularly scheduled September 9, 1997, meeting, the Commission considered LDM's request for an amended certificate of authority. Commission Staff recommended granting an amended certificate of authority, subject to rural safeguards. Commission Staff further recommended a waiver of 20:10:24:02(8) and (12).

The Commission finds that it has jurisdiction over this matter pursuant to Chapter 49-31, specifically 49-31-3 and ARSD 20:10:24:02 and 20:10:24:03. The Commission finds that LDM has met the legal requirements established for the granting of an amended certificate of authority. LDM has, in accordance with SDCL 49-31-1, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota. Further, the Commission finds that there is good cause to waive subparagraphs (8) and (12) of ARSD 20:10:24:02.

The Commission approves LDM's application for an amended certificate of authority, subject to rural safeguards. The amended certificate of authority for LDM 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 LDM choose to provide local exchange services statewide, with respect to rural telephone companies, LDM 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). It is therefore

ORDERED, that LDM's application for an Amended Certificate of Authority to provide local exchange services, is granted; and it is

FURTHER ORDERED, that Applicant shall file informational copies of tariff changes with the Commission as the changes occur; and it is

FURTHER ORDERED, that the Commission shall authorize LDM to offer its services in those areas in South Dakota where U S WEST Communications, Inc. is the incumbent local exchange carrier; and it is

FURTHER ORDERED, that the Commission finds good cause to waive subparagraphs (8) and (12) of ARSD 20:10:24:02.

Dated at Pierre, South Dakota, this 17th day of September, 1997.

<p>CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: _____</p> <p>Date: _____</p> <p>(OFFICIAL SEAL)</p>	<p>BY ORDER OF THE COMMISSION:</p> <p>_____</p> <p>JAMES A. BURG, Chairman</p> <p>_____</p> <p>PAM NELSON, Commissioner</p> <p>_____</p> <p>LASKA SCHOENFELDER, Commissioner</p>
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