

Telecommunications Orders - Issued 1997

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

IN THE MATTER OF THE APPLICATION OF F.D.S.D. RAPID CITY, INC. FOR A CERTIFICATE OF AUTHORITY TO PROVIDE LOCAL EXCHANGE SERVICES IN SOUTH DAKOTA)	ORDER GRANTING CERTIFICATE OF AUTHORITY
)	TC97-046

On April 29, 1997, the Public Utilities Commission (Commission), in accordance with SDCL 49-31-3 and ARSD 20:10:24:02, received an application for a certificate of authority from F.D.S.D. Rapid City, Inc. (Applicant).

The applicant plans to resell local exchange service through negotiated agreements with local exchange service providers.

On May 1, 1997, the Commission electronically transmitted notice of the filing and the intervention deadline of May 16, 1997, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled June 24, 1997, meeting, the Commission considered Applicant's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to rural safeguards. Commission Staff further recommended a waiver of 20:10:24:02 (6), (8), (9), 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 Applicant has met the legal requirements established for the granting of a certificate of authority. Applicant has, in accordance with SDCL 49-31-3, 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 (6), (8), (9), and (12) of ARSD 20:10:24:02.

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 Applicant's application for a certificate of authority to provide local exchange services is hereby granted. 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 the Commission finds good cause to waive subparagraphs (6), (8), (9), and (12) of ARSD 20:10:24:02.

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

CERTIFICATE OF SERVICE

BY ORDER OF THE COMMISSION:

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 first class mail, in properly addressed envelopes, with charges prepaid thereon.

JAMES A. BURG, Chairman

By: _____

PAM NELSON, Commissioner

Date: _____

(OFFICIAL SEAL)

LASKA SCHOENFELDER,
Commissioner

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