

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

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| IN THE MATTER OF THE APPLICATION OF )<br>NORTHERN VALLEY COMMUNICATIONS, )<br>L.L.C. FOR A CERTIFICATE OF AUTHORITY )<br>TO PROVIDE TELECOMMUNICATIONS )<br>SERVICES, INCLUDING LOCAL EXCHANGE )<br>SERVICES, IN SOUTH DAKOTA ) | AMENDED ORDER<br>GRANTING CERTIFICATE<br>OF AUTHORITY<br><br>TC98-063 |
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On March 18, 1998, 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 Northern Valley Communications, L.L.C. (NVC).

NVC seeks to provide telecommunications services including local exchange services, intraLATA services and interLATA services through a combination of reseller and facilities-based provisioning. NVC will provide service in those areas in South Dakota where U S WEST Communications, Inc. is the incumbent local exchange carrier. NVC will enter into agreements with local exchange companies for the resale of telecommunications services. NVC has requested a waiver of ARSD 20:10:24:02(8) and (12). The Commission has classified long distance service as fully competitive.

On March 19, 1998, the Commission electronically transmitted notice of the filing and the intervention deadline of April 3, 1998, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled May 12, 1998, meeting, the Commission considered NVC's request for a certificate of authority. Commission Staff recommended granting NVC a certificate of authority, subject to rural safeguards, provided NVC furnished the Commission with a surety bond. NVC proposed filing an Irrevocable Letter of Credit rather than the bond. 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 NVC has met the legal requirements established for the granting of a certificate of authority. NVC 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 NVC's application for a certificate of authority, subject to rural safeguards, provided that NVC furnishes the Commission with a bond. The certificate of authority for NVC 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 NVC choose to provide local exchange services statewide, with respect to rural telephone companies, NVC 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 NVC's application for a Certificate of Authority to provide telecommunications services, including local exchange services, is granted, provided that NVC furnishes the Commission with a bond; and it is

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

FURTHER ORDERED, that the Commission shall authorize NVC 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 5<sup>th</sup> day of June, 1998.

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| <b>CERTIFICATE OF SERVICE</b>  |                              |
| 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>Neilino Kallos</i></u> |
| Date:  | <u>6/8/98</u>                |
| (OFFICIAL SEAL)  |                              |

BY ORDER OF THE COMMISSION:

*James A. Burg*  
JAMES A. BURG, Chairman

*Pam Nelson*  
PAM NELSON, Commissioner

*Laska Schoenfelder*  
LASKA SCHOENFELDER, Commissioner