

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

<b>IN THE MATTER OF THE APPLICATION OF )</b>	<b>ORDER GRANTING</b>
<b>ARRIVAL COMMUNICATIONS, INC. FOR A )</b>	<b>CERTIFICATE OF</b>
<b>CERTIFICATE OF AUTHORITY TO PROVIDE )</b>	<b>AUTHORITY</b>
<b>TELECOMMUNICATIONS SERVICES, )</b>	
<b>INCLUDING LOCAL EXCHANGE SERVICES, IN )</b>	<b>TC99-120</b>
<b>SOUTH DAKOTA )</b>	

On December 22, 1999, the Public Utilities Commission (Commission) received an application for a certificate of authority from Arrival Communications, Inc. (Arrival).

Arrival proposes to offer switched and dedicated interexchange services, including 1+ outbound and toll-free inbound switched services, and interexchange private line and private line services. Arrival is also seeking authority to provide local exchange services through resale of services provided by other authorized carriers, unbundled network elements and through its own facilities. A proposed tariff was filed by Arrival.

On December 23, 1999, the Commission electronically transmitted notice of the filing and the intervention deadline of January 7, 2000, to interested individuals and entities. The South Dakota Independent Telephone Coalition filed a Petition to Intervene on January 6, 2000; intervention was granted on January 18, 2000. At its regularly scheduled October 17, 2000, meeting, the Commission considered Arrival's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to rural safeguards, and subject to the condition that Arrival not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission. Commission Staff further recommended a waiver of ARSD 20:10:24:02(8) and ARSD 20:10:32:03(11).

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3 and 49-31-69 and ARSD 20:10:24:02, 20:10:24:03 and 20:10:32:03. The Commission finds that Arrival has met the legal requirements established for the granting of a certificate of authority. Arrival has, in accordance with SDCL 49-31-3 and 49-31-71, 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 subparagraph (8) of ARSD 20:10:24:02 and subparagraph (11) of ARSD 20:10:32:03.

The Commission approves Arrival's application for a certificate of authority, subject to rural safeguards, and subject to the condition that Arrival not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission. The certificate of authority for Arrival shall authorize it to offer local exchange services in South Dakota, except in those areas served by a rural telephone company. In the future, should Arrival choose to provide local exchange services statewide, with respect to rural

telephone companies, Arrival 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 Arrival's application for a certificate of authority to provide telecommunications services, including local exchange services, is granted, subject to the condition that Arrival not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission; and it is

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

FURTHER ORDERED, that the Commission shall authorize Arrival to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company; and it is

FURTHER ORDERED, that the Commission finds good cause to waive subparagraph (8) of ARSD 20:10:24:02 and subparagraph (11) of ARSD 20:10:32:03.

Dated at Pierre, South Dakota, this 20<sup>th</sup> day of October, 2000.

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>Alaine Kalbo</u>
Date:	<u>10/23/00</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