

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

IN THE MATTER OF THE APPLICATION OF RC)	ORDER GRANTING
COMMUNICATIONS, INC. FOR A)	CERTIFICATE OF
CERTIFICATE OF AUTHORITY TO PROVIDE)	AUTHORITY
LOCAL EXCHANGE SERVICES IN THE)	
TERRITORY OF QWEST CORPORATION)	TC04-079

On April 15, 2004, the Public Utilities Commission (Commission) received an application for a certificate of authority from RC Communications, Inc. (RCC). On April 26, 2004, the Commission received an amendment to the application.

RCC proposes to offer local exchange services in Qwest Corporation's service area. A proposed tariff was filed by RCC.

On April 22, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of May 7, 2004, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled June 22, 2004, meeting, the Commission considered RCC's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to rural safeguards.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-69 and ARSD 20:10:32:03. The Commission finds that RCC has met the legal requirements established for the granting of a certificate of authority. RCC has, in accordance with SDCL 49-31-71, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota.

The Commission approves RCC's application for a certificate of authority, subject to rural safeguards. The certificate of authority for RCC 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 RCC choose to provide local exchange services statewide, with respect to rural telephone companies, RCC 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 RCC's application for a certificate of authority to provide local exchange services is granted; and it is

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

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

Dated at Pierre, South Dakota, this 30th day of June, 2004.

<p style="text-align: center;">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>_____</p> <p style="text-align: center;">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

ROBERT K. SAHR, Chairman

GARY HANSON, Commissioner

JAMES A. BURG, Commissioner