

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

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
QWEST COMMUNICATIONS CORPORATION)	CERTIFICATE OF
FOR A CERTIFICATE OF AUTHORITY TO)	AUTHORITY
PROVIDE LOCAL EXCHANGE SERVICES IN)	
SOUTH DAKOTA)	TC04-083

On April 22, 2004, the Public Utilities Commission (Commission) received an application for a certificate of authority from Qwest Communications Corporation (QCC).

QCC proposes to offer competitive local exchange services in South Dakota through resale, the leasing of facilities and/or the construction of its own facilities. A proposed tariff was filed by QCC.

On April 29, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of May 14, 2004, to interested individuals and entities. On May 14, 2004, the Commission received a petition to intervene from the South Dakota Telecommunications Association (SDTA). On May 24, 2004, the Commission granted intervention to SDTA. At its regularly scheduled August 31, 2004, meeting, the Commission considered QCC's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to a continuous \$25,000 surety bond, and subject to rural safeguards. Commission Staff further recommended a waiver of ARSD 20:10:32:03(11).

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

The Commission approves QCC's application for a certificate of authority, subject to a continuous \$25,000 surety bond, and subject to rural safeguards. The certificate of authority for QCC 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 QCC choose to provide local exchange services statewide, with respect to rural telephone companies, QCC 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 QCC's application for a certificate of authority to provide local exchange services is granted, subject to a continuous \$25,000 surety bond; and it is

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

FURTHER ORDERED, that the Commission shall authorize QCC 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 waives subparagraph (11) of ARSD 20:10:32:03.

Dated at Pierre, South Dakota, this 7th day of September, 2004.

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: _____
Date: _____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

ROBERT K. SAHR, Chairman

JAMES A. BURG, Commissioner