

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

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
METROPOLITAN TELECOMMUNICATIONS OF)	CERTIFICATE OF
SOUTH DAKOTA, INC. FOR A CERTIFICATE)	AUTHORITY
OF AUTHORITY TO PROVIDE)	
INTEREXCHANGE TELECOMMUNICATIONS)	TC05-069
SERVICES AND LOCAL EXCHANGE)	
SERVICES IN SOUTH DAKOTA)	

On May 25, 2005, the Public Utilities Commission (Commission) received an application for a certificate of authority from Metropolitan Telecommunications of South Dakota, Inc. (Metropolitan).

Metropolitan proposes to offer all forms of interexchange telecommunications services throughout South Dakota and local exchange services in Qwest service territories. A proposed tariff was filed by Metropolitan.

On June 2, 2005, the Commission electronically transmitted notice of the filing and the intervention deadline of June 17, 2005, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled July 12, 2005, meeting, the Commission considered Metropolitan'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 Metropolitan not offer any prepaid services (including prepaid calling cards) and not accept or require any 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 Metropolitan has met the legal requirements established for the granting of a certificate of authority. Metropolitan 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 Metropolitan's application for a certificate of authority, subject to rural safeguards, and subject to the condition that Metropolitan not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments without prior approval of the Commission. The certificate of authority for Metropolitan 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 Metropolitan choose to provide local exchange services statewide, with respect to rural telephone companies, Metropolitan 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 Metropolitan's application for a certificate of authority to provide interexchange telecommunications services and local exchange services is granted, subject to the condition that Metropolitan not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments without prior approval of the Commission; and it is

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

FURTHER ORDERED, that the Commission shall authorize Metropolitan 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 (8) of ARSD 20:10:24:02 and subparagraph (11) of ARSD 20:10:32:03.

Dated at Pierre, South Dakota, this 13th day of July, 2005.

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>Heldine Kalbs</u>
Date:	<u>7/14/05</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Robert K. Sahr
ROBERT K. SAHR, Commissioner

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner