

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

**IN THE MATTER OF THE APPLICATION OF ATV )  
HOLDINGS, LLC DBA MITCHELL TELECOM )  
FOR A CERTIFICATE OF AUTHORITY TO )  
PROVIDE LOCAL EXCHANGE SERVICES IN )  
SOUTH DAKOTA )**

**ORDER GRANTING  
CERTIFICATE OF AUTHORITY  
AND GRANTING WAIVER**

**TC16-046**

On July 12, 2016, the South Dakota Public Utilities Commission (Commission) received a filing from ATV Holdings, LLC dba Mitchell Telecom (ATV Holdings) requesting a Certificate of Authority to provide local exchange services in South Dakota. ATV Holdings intends to provide competitive local exchange services to subscribers within the non-rural areas of the Mitchell exchange.

On July 14, 2016, the Commission electronically transmitted notice of the filing and the intervention deadline of July 29, 2016, to interested individuals and entities. No petitions to intervene or comments were filed. On July 25, 2016, ATV Holdings responded to Staff's data request.

At its August 16, 2016, meeting, the Commission considered this matter. Commission staff recommended granting a certificate of authority with the conditions that, for retail purposes, ATV Holdings 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 subject to rural safeguards. Staff also recommended granting a waiver of ARSD 20:10:32:03(12), should the Commission find a waiver is necessary.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3 and 49-31-69 through 49-31-75, as well as ARSD 20:10:32:03. The Commission finds that ATV Holdings has met the legal requirements established for the granting of a Certificate of Authority. ATV Holdings 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. The Commission also granted the waiver of ARSD 20:10:32:03(12).

The Commission approves ATV Holdings' application for a certificate of authority subject to the conditions that, for retail purposes, ATV Holdings 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 be subject to rural safeguards. The certificate of authority for ATV Holdings shall authorize it to provide local exchange telecommunications service in South Dakota, except in those areas served by a rural telephone company. In the future, should ATV Holdings choose to provide local exchange services statewide, with respect to rural telephone companies, ATV Holdings 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 ATV Holdings' request for a certificate of authority to provide local exchange services is granted, subject to the conditions that, for retail purposes, ATV Holdings 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 subject to rural safeguards. It is further

ORDERED, that this certificate of authority authorizes ATV Holdings to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company. It is further

ORDERED, that this order constitutes ATV Holdings' Certificate of Authority as described above. It is further

ORDERED, that ATV Holdings' requested waiver of ARSD 20:10:32:03(12) is granted.

Dated at Pierre, South Dakota, this 19th day of August, 2016.

<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, electronically or by mail.
By: <u>Adam deHueckle</u>
Date: <u>8/19/16</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson  
CHRIS NELSON, Chairman

Kristie Fiegen  
KRISTIE FIEGEN, Commissioner

Gary Hanson  
GARY HANSON, Commissioner