

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

**IN THE MATTER OF THE APPLICATION OF)
BLACKFOOT COMMUNICATIONS, INC. FOR A)
CERTIFICATE OF AUTHORITY TO PROVIDE)
LOCAL EXCHANGE AND INTEREXCHANGE)
LONG DISTANCE SERVICES IN SOUTH)
DAKOTA)**

**ORDER GRANTING
CERTIFICATE OF AUTHORITY**

TC16-053

On August 29, 2016, the South Dakota Public Utilities Commission (Commission) received a filing from Blackfoot Communications, Inc. (Blackfoot) requesting a Certificate of Authority to provide local exchange and interexchange services in South Dakota.

On September 1, 2016, the Commission electronically transmitted notice of the filing and the intervention deadline of September 16, 2016, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. No petitions to intervene or comments were filed. On September 19, 2016, Blackfoot submitted a letter of clarification on Application for Certificate of Authority clarifying that Blackfoot intends to provide competitive local exchange services to subscribers within CenturyLink territories only. Blackfoot responded to Commission staff's data requests on September 30, October 20, and October 31, 2016.

At its regularly scheduled meeting on November 8, 2016, the Commission considered this matter. Commission staff recommended granting a certificate of authority with the conditions that Blackfoot 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.

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 20:10:24:02 and ARSD 20:10:32:03. The Commission finds that Blackfoot has met the legal requirements established for the granting of a certificate of authority. Blackfoot 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 approves Blackfoot's application for a certificate of authority subject to the conditions that Blackfoot 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 Blackfoot shall authorize it to provide interexchange long distance services in South Dakota. The certificate of authority for Blackfoot shall also 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 Blackfoot choose to provide local exchange services statewide, with respect to rural telephone companies, Blackfoot 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 Blackfoot's request for a certificate of authority to provide local exchange and interexchange long distance services is granted, subject to the conditions that Blackfoot 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. It is further

ORDERED, that this certificate of authority authorizes Blackfoot 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 Blackfoot's Certificate of Authority as described above.

Dated at Pierre, South Dakota, this 15th day of November, 2016.

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, electronically or by mail.

By: Adam Huet

Date: 11/15/16

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Kristie Eegen

KRISTIE EEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner