

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

**IN THE MATTER OF THE APPLICATION OF)
BLUEBIRD COMMUNICATIONS SD LLC FOR A)
CERTIFICATE OF AUTHORITY TO PROVIDE)
LOCAL EXCHANGE SERVICES IN SOUTH)
DAKOTA)**

**ORDER GRANTING
CERTIFICATE OF
AUTHORITY**

TC17-066

On November 2, 2017, the South Dakota Public Utilities Commission (Commission) received a filing from BlueBird Communications SD LLC (BlueBird) for a certificate of authority to provide facilities based local telecommunications services, including wholesale telecommunications services to other carriers and retail telecommunications services, serving both residential and business customers within the CenturyLink footprint in South Dakota using a combination of its own facilities and those of the incumbent provider.

On November 9, 2017, the Commission electronically transmitted notice of the filing and the intervention deadline of November 27, 2017, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. No petitions to intervene or comments were filed. On November 17 and December 1, 2017, BlueBird responded to staff's data requests. On December 19, 2017, the Commission deferred this docket to the January 3, 2018, Commission meeting. On December 20, 2017, the Commission received BlueBird's South Dakota sales tax license number.

At its January 3, 2018 meeting, the Commission considered this matter. Commission staff recommended granting a certificate of authority with the conditions that, for retail purposes, BlueBird 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 20:10:32:03. The Commission finds that BlueBird has met the legal requirements established for the granting of a Certificate of Authority BlueBird 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.

With Commissioner Nelson dissenting, the Commission voted to approve BlueBird's application for a certificate of authority subject to the conditions that, for retail purposes BlueBird 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 BlueBird 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 BlueBird choose to provide local exchange services statewide, with respect to rural telephone companies, BlueBird 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 BlueBird's request for a certificate of authority to provide local exchange services is granted, subject to the conditions that, for retail purposes, BlueBird 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 BlueBird 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 BlueBird's Certificate of Authority as described above.

Dated at Pierre, South Dakota, this 4th day of January 2018.

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: <u>Karen E. Bremer</u>
Date: <u>01/04/18</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Feigen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

CHRIS NELSON, Commissioner
(dissenting)