

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

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
TELEPORT COMMUNICATIONS AMERICA,)	CERTIFICATE OF
LLC FOR A CERTIFICATE OF AUTHORITY TO)	AUTHORITY
PROVIDE LOCAL EXCHANGE SERVICES IN)	
SOUTH DAKOTA)	TC13-107

On August 26, 2013, the Public Utilities Commission (Commission) received an application for a certificate of authority to provide local exchange services from Teleport Communications America, LLC (TCAL). TCAL intends to provide wholesale local exchange service to one of its affiliates in the service area of CenturyLink.

On August 29, 2013, the Commission electronically transmitted notice of the filing and the intervention deadline of September 13, 2013, to interested individuals and entities. No petitions to intervene or comments were filed. On September 26, 2013, TCAL requested a waiver of ARSD 20:10:32:03(12).

At its regularly scheduled meeting of October 9, 2013, the Commission considered TCAL's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to the condition that, for retail purposes, TCAL 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. Commission Staff further recommended a waiver of ARSD 20:10:32:03(12).

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3, 49-31-69 through 49-31-75, and ARSD 20:10:32:03. The Commission finds that TCAL has met the legal requirements established for the granting of a certificate of authority. TCAL 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 ARSD 20:10:32:03(12). The Commission voted unanimously to grant TCAL a certificate of authority and the waiver as requested.

The Commission approves TCAL's application for a certificate of authority subject to the condition that, for retail purposes, TCAL 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 certificate of authority for TCAL 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 TCAL choose to provide local exchange services statewide, with respect to rural telephone companies, TCAL 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 TCAL's application for a certificate of authority to provide local exchange services is granted, subject to the condition that, for retail purposes, TCAL 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 TCAL to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company. It is further

ORDERED, that TCAL's request for waiver of ARSD 20:10:32:03(12) is hereby granted. It is further

ORDERED, that this order constitutes TCAL's Certificate of Authority as described above.

Dated at Pierre, South Dakota, this 17th day of October, 2013.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u><i>Joy Lashley</i></u></p> <p>Date: <u>10-17-13</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner