

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

IN THE MATTER OF THE APPLICATION OF MIDCONTINENT COMMUNICATIONS FOR AN AMENDED CERTIFICATE OF AUTHORITY TO PROVIDE LOCAL EXCHANGE SERVICE IN THE CENSUS BLOCKS LISTED BELOW CONTAINED WITHIN RURAL AREAS IN MOODY, DAVISON, MINNEHAHA, HANSON, BEADLE, KINGSBURY, AND CODINGTON COUNTIES	TC 18-058 JOINT STIPULATION FOR SETTLEMENT
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Joint Stipulation for Settlement

IT IS HEREBY STIPULATED among Midcontinent Communications (“Midco”), the South Dakota Telecommunications Association (“SDTA”), Santel Communications Cooperative, (“Santel”), Venture Communications Cooperative (“Venture”), and Interstate Telecommunications Cooperative, (“ITC”) in settlement of the above-captioned matter, as follows:

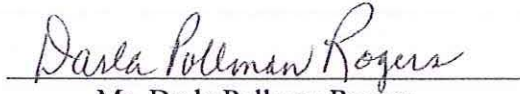
1. Midco is the applicant in this proceeding, having filed its Application for an Amended Certificate of Authority to provide local exchange service in the census blocks in the rural areas within Moody, Davison, Minnehaha, Hanson, Beadle, Kingsbury, and Codington counties, South Dakota (the, “Application”), for which the Federal Communications Commission (“FCC”) has provisionally awarded Midco funding under the Connect America Fund Phase II Auction (“CAF II”). In addition, as part of its Application as filed, Midco requested an eligible telecommunications carrier (ETC) designation and a waiver of the additional service obligations imposed in rural service areas pursuant to ARSD § 20:10:32:15 specifically, in areas in which Midco was not provisionally awarded funding in CAF II areas. Santel, Venture, and ITC are incumbent local exchange carriers operating as “rural telephone companies” under federal and state law within the above referenced counties. Santel, Venture, and ITC filed a Joint Petition to Intervene and have been granted intervening party status in this proceeding. SDTA is a non-profit association whose members consist of cooperative, independent, and municipal incumbent local exchange carriers operating as rural telephone companies throughout South Dakota. SDTA also filed a Petition to Intervene and has been granted party status in this Matter. Midco, Santel, ITC, Venture, and SDTA jointly file this Stipulation as a Settlement of the issues pertaining to Midco’s filing herein for an amended local exchange certification and for ETC designation relating to its award of federal universal service high cost support through the CAF Phase II auction process (Auction 903).

2. Midco has applied for an Amended Certificate of Authority and an ETC designation from the Commission which would allow it to provide competitive local exchange services within the census blocks for which it has been provisionally awarded CAF II funds, as stated in its Application.
3. Attached and incorporated herein as **Exhibit 1** are maps previously produced by SDTA with the assistance of Vantage Point Solutions and provided to the Commission in Midco's Responses to First Data Requests. The maps included as part of Exhibit 1 display incumbent local exchange carrier service area boundaries as approved by the FCC and this Commission and also indicate census block boundaries associated with each of the census blocks identified by Midco in Exhibits 5 through 8 attached to its filed Application. The maps show the following census blocks as abutting or being partially within the rural telephone company service areas of either Santel, Venture and ITC: (blocks 271554601001253, 460059567001263; 460359626002013, 460359626002002, 460359626002006, 460359626002131, 460619641003365, 271739702003122, 460299546001170, and 460779581001000). While these maps do not offer conclusive evidence, the parties agree that at least in regard to certain of these census blocks identified by Midco, there may be very slight areas of overlap between the census blocks for which the FCC provisionally awarded Midco CAF II funds, and the rural areas of Santel, Venture, and ITC (collectively, "overlap areas").
4. The parties have reviewed the maps in Exhibit 1 and the maps attached to Midco's Application in detail, and believe that to the extent overlap areas exist within any census blocks that Midco was awarded pursuant to Auction 903, there are currently no "serviceable locations," as that term is defined by the FCC under its CAF Phase II rules, within these overlap areas. The parties further believe that it is unlikely that serviceable locations will exist in the overlap areas given the physical characteristics of the areas. For example, some of the areas of possible overlap consist of roads and public rights of way along these roads or section line right-of-way areas where structures cannot be built.
5. In the interest of amicably resolving any issues in this Docket, the parties hereby stipulate and agree that Midco's Application for an amended local exchange COA and its request for ETC designation should both be granted in their entirety except as to any overlap areas that may extend into the rural telephone company service/study areas of Santel, Venture and/or ITC. Midco agrees that based on its current filing with the Commission, Midco is not seeking either local exchange service authority or ETC designation within these overlap areas and, accordingly, it also agrees to withdraw its request for a waiver of the provisions set forth in ARSD § 20:10:32:15 to the extent this request relates to the rural service areas of Santel, Venture and ITC.

6. The parties stipulate and agree that they have no further objection to Midco's Application or its request for ETC designation. The parties further stipulate and agree that they have the right and authority to bind their respective organizations and/or companies to this Stipulation.

Respectfully submitted,

Date this 4th day of January, 2019.



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Dated this 4th day of January, 2019.



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Dated this 4th day of January, 2019.



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CERTIFICATE OF SERVICE

I hereby certify that an original of this Joint Stipulation for Settlement, dated this 4th day of January, 2019 in PUC Docket TC18-058, was served upon the PUC electronically, directed to the attention of:

Ms. Patty Van Gerpen, Executive Director
South Dakota Public Utilities Commission
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Patty.vangerpen@state.sd.us

A copy was also sent by e-mail and/or US Postal Service First Class mail to each of the following individuals:

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