

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

IN THE MATTER OF THE APPLICATION BY) ELECTRIC LIGHTWAVE LLC DBA) ALLSTREAM FOR CERTIFICATES OF) AUTHORITY TO PROVIDE LOCAL) EXCHANGE AND INTEREXCHANGE) TELECOMMUNICATIONS SERVICES IN THE) STATE OF SOUTH DAKOTA)	ORDER GRANTING CERTIFICATE OF AUTHORITY TC21-113
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On September 17, 2021, the South Dakota Public Utilities Commission (Commission) received an application from Electric Lightwave, LLC dba Allstream (Allstream) for Certificates of Authority to provide local exchange and interexchange telecommunications services in South Dakota. Allstream seeks authority to operate as a reseller of incumbent telephony services and to be a facilities-based provider either through lease agreements or the construction of its own facilities.

On September 23, 2021, the Commission electronically transmitted notice of the filing and the intervention deadline of October 8, 2021, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On September 23, 2021, South Dakota Telecommunications Association (SDTA) filed a Petition to Intervene. On October 21, 2021, SDTA and Allstream filed a Joint Stipulation. On October 28, 2021, Allstream responded to Commission staff's data request. On November 1, 2021, the Commission issued an Order Granting Intervention to SDTA. On December 10, 2021, Allstream filed a \$25,000 surety bond. On April 19, 2022, Allstream provided supplemental responses to Commission staff's data request.

The Commission finds it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3, and 49-31-69 through 49-31-75, inclusive, and ARSD 20:10:24:02 and ARSD20:10:32:03.

At its regularly scheduled meeting on May 10, 2022, the Commission considered this matter. Commission staff recommended granting a certificate of authority with the conditions that Allstream hold a continuous \$25,000 surety bond to run in favor of South Dakota consumers and be subject to rural safeguards.

The Commission finds that Allstream has met the legal requirements established for the granting of a certificate of authority. Allstream 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 voted unanimously to approve Allstream's application for a certificate of authority subject to the conditions that Allstream hold a continuous \$25,000 surety bond to run in favor of South Dakota consumers and be subject to rural safeguards. The certificate of authority for Allstream shall authorize it to provide interexchange long distance services in South Dakota. The certificate of authority shall also authorize Allstream to provide local exchange telecommunications service in South Dakota, except in those areas served by a rural telephone

company. In the future, should Allstream choose to provide local exchange services statewide, with respect to rural telephone companies, Allstream 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 Allstream's application for a certificate of authority to provide interexchange services is hereby granted. It is further

ORDERED, that Allstream's request for a certificate of authority to provide local exchange services is hereby granted, subject to rural safeguards. It is further

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

ORDERED, that Allstream shall hold a continuous \$25,000 surety bond to run in favor of South Dakota consumers. It is further

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

Dated at Pierre, South Dakota, this 12th day of May 2022.

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. Cromer</u>
Date: <u>05/12/22</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Commissioner

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner