

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

**IN THE MATTER OF THE APPLICATION OF)
BERESFORD MUNICIPAL TELEPHONE COMPANY)
FOR AN AMENDED CERTIFICATE OF AUTHORITY)
)
)
)** **ORDER GRANTING WAIVERS;
ORDER GRANTING AMENDED
CERTIFICATE OF AUTHORITY**

TC22-057

On October 25, 2022, the South Dakota Public Utilities Commission (Commission) received a filing from Beresford Municipal Telephone Company (BMTC) to amend its Certificate of Authority to provide local exchange services pursuant to SDCL 49-31-69. BMTC states the purpose of this filing is to expand BMTC's local exchange service territory area so that it includes all geographic areas that have over the past few years been properly annexed by the Beresford City Council and made part of the municipality of Beresford. BMTC states that up until recently, the referenced annexed areas have been unoccupied and at present BMTC does not believe that Clarity Telecom, LLC dba Vast Broadband is providing any of its wireline local exchange services to locations within these areas. BMTC further asks the Commission to waive the provisions of ARSD Sections 20:10:32:03 (1-8), (10-22), and (24) as being inapplicable and unnecessary to address this filing for amendment of BMTC's existing certificate of authority for local exchanges services.

On October 27, 2022, the Commission electronically transmitted notice of the filing and the intervention deadline of November 14, 2022, to interested individuals and entities on the Commission's PUC Weekly Filing electronic listserv. No petitions to intervene were filed.

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

On November 18, 2022, at its regularly scheduled meeting, this matter was deferred at the request of Clarity Telecom, LLC dba Vast Broadband so they could review and evaluate the filing. At its regularly scheduled meeting on January 27, 2023, the Commission again considered the request for an Amended Certificate of Authority and waivers. The Commission voted unanimously to grant the request for waivers and to approve the Amended Certificate of Authority. It is therefore

ORDERED, that BMTC's request for a waiver of ARSD 20:10:32:03 (1-8); (10-22); and (24) is hereby granted. It is further

ORDERED, that BMTC's request for an Amended Certificate of Authority is hereby granted.

Dated at Pierre, South Dakota, this 27th day of January 2023.

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><i>Adam Huck</i></u>
Date: <u>1/27/23</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner