

Telecommunications Orders - Issued 1997

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

IN THE MATTER OF THE APPLICATION OF MCLEODUSA TELECOMMUNICATIONS SERVICES, INC. FOR AN AMENDED CERTIFICATE OF AUTHORITY TO PROVIDE TELECOMMUNICATIONS SERVICES, INCLUDING LOCAL EXCHANGE SERVICES, IN SOUTH DAKOTA))))	ORDER GRANTING AMENDED CERTIFICATE OF AUTHORITY TC96-054
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On March 21, 1996, the Public Utilities Commission (Commission) received an application from McLeod Telemanagement, Inc. (McLeod) for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. McLeod sought authorization to provide local exchange services, interstate and intrastate telecommunications services and operator services in the exchanges of Sioux Falls, North Sioux City, Rapid City, Aberdeen, and Pierre, South Dakota. On March 28, 1996, the Commission electronically transmitted notice of the filing and the intervention deadline of April 12, 1996, to interested individuals and entities. Intervention was granted to U S WEST Communications, Inc. (U S WEST), the South Dakota Independent Telephone Coalition (SDITC), and MCI Telecommunications Corporation (MCI). A hearing was held on this matter and on October 3, 1996, the Commission unanimously approved McLeod's request for a Certificate of Authority.

On September 15, 1997, McLeod applied for an amendment to their Certificate of Authority. According to the application, "McLeodUSA currently offers local, long distance interexchange, MTS, WATS, virtual private network services, and private line telecommunications services via resale in South Dakota in several U S WEST exchanges. By this Application, McLeodUSA seeks authority to provide these same services on a facilities basis in all U S WEST Communications, Inc. exchanges in South Dakota; intrastate interexchange services throughout South Dakota; and prepaid calling card services throughout South Dakota."

On September 18, 1997, the Commission electronically transmitted notice of the filing and the intervention deadline of October 3, 1997, to interested individuals and entities. No petitions to intervene or comments were filed and a regularly scheduled November 18, 1997, meeting, the Commission considered McLeod's request for an Amended Certificate of Authority.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-31, and the Telecommunications Act of 1996.

Pursuant to SDCL 49-31-3, the Commission finds that McLeod has the burden of proof in showing that it has sufficient technical, financial, and managerial capabilities to provide local exchange service, interexchange service, and operator service in all U S WEST exchanges in South Dakota.

Pursuant to ARSD 20:10:24:02, the Commission finds good cause to waive subparagraph (12) because some of the information required by this subparagraph is dependent on the outcome of negotiations or arbitrations between McLeod and incumbent local exchange carriers. It is therefore

ORDERED, that McLeod's application for an Amended Certificate of Authority to provide local exchange service, interexchange service and operator service on a facilities basis in all U S WEST Communications, Inc. exchanges in South Dakota; intrastate interexchange services throughout South Dakota; and prepaid calling card services throughout South Dakota is granted; and it is

FURTHER ORDERED, that the Commission finds good cause to waive subparagraph (12) of ARSD 20:10:24:02.

Dated at Pierre, South Dakota, this 2nd day of December, 1997.

CERTIFICATE OF SERVICE

BY ORDER OF THE COMMISSION:

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, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

JAMES A. BURG, Chairman

By: _____

PAM NELSON, Commissioner

Date: _____

LASKA SCHOENFELDER,
Commissioner

(OFFICIAL SEAL)

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