

Telecommunications Orders - Issued 1997

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

IN THE MATTER OF THE APPLICATION OF SPRINT)	ORDER GRANTING
COMMUNICATIONS COMPANY L.P. FOR AN AMENDED		AMENDED
CERTIFICATE OF AUTHORITY TO PROVIDE LOCAL)	CERTIFICATE OF
EXCHANGE ACCESS TELECOMMUNICATIONS SERVICES IN		AUTHORITY
SOUTH DAKOTA)	
		TC96-156
)	

On August 23, 1996, the Public Utilities Commission (Commission), in accordance with SDCL 49-31-3 and ARSD 20:10:24:02, received an application for an Amended Certificate of Authority from Sprint Communications Company L.P. (Sprint).

Sprint proposes to amend its Certificate of Authority so that it may offer local exchange services in addition to its offering of interexchange carrier access and other telecommunications services.

On August 29, 1996, the Commission electronically transmitted notice of the filing and the intervention deadline of September 13, 1996, to interested individuals and entities. Intervention was granted to the South Dakota Independent Telephone Coalition (SDITC), Dakota Cooperative Telecommunications, Inc. (DCT), and U S WEST Communications, Inc. (U S WEST). A hearing on this application scheduled for December 12, 1996, was continued at the request of Sprint. All intervenors withdrew from the docket. A regularly scheduled meeting of April 15, 1997, the Commission considered Sprint's request for an Amended Certificate of Authority. Commission Staff recommended approval of the Amended Certificate of Authority.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31 and ARSD Chapter 20:10:24. The Commission finds that Sprint has met the legal requirements established for the granting of an Amended Certificate of Authority. Sprint has, in accordance with the above cited authority, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota. Pursuant to ARSD 20:10:24:02, the Commission finds good cause to waive subparagraphs (8) and (12) because some of the information required by these subparagraphs is dependent on the outcome of negotiations or arbitrations between Sprint and local exchange carriers.

Further, the Commission finds that the Amended Certificate of Authority for Sprint shall authorize it to offer its services statewide throughout South Dakota. However, with respect to rural telephone companies, Sprint will have to come before the Commission in another proceeding before being able to provide 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). Subject to the above, the Commission approves Sprint's application for an Amended Certificate of Authority. As the Commission's final decision in this matter, it is therefore

ORDERED, that Sprint's application for an Amended Certificate of Authority to provide local exchange services is granted; and it is

FURTHER ORDERED, that the Commission grants Sprint statewide authority, subject to the Commission's restriction with respect to rural telephone companies; and it is

FURTHER ORDERED, that the Commission finds good cause to waive subparagraphs (8) and (12) of ARSD 20:10:24:02.

Prior to offering local exchange service in South Dakota, Sprint shall file its local exchange tariff, which shall include terms and conditions and rates, with the Commission for its approval.

Dated at Pierre, South Dakota, this 28th day of April, 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: _____

(OFFICIAL SEAL)

LASKA SCHOENFELDER,
Commissioner

[CC99orders/includepgs/bottomlinks_insidepg.htm]