

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

<p><b>IN THE MATTER OF THE APPLICATION OF ATLAS COMMUNICATIONS, LTD. FOR AN AMENDED CERTIFICATE OF AUTHORITY TO PROVIDE TELECOMMUNICATIONS SERVICES, INCLUDING LOCAL EXCHANGE SERVICES, IN SOUTH DAKOTA</b></p>	<p>) ) ) )</p>	<p><b>ORDER GRANTING AMENDED CERTIFICATE OF AUTHORITY</b></p> <p style="text-align: center;"><b>TC97-023</b></p>
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On March 10, 1997, 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 Atlas Communications, Ltd. (Atlas).

Atlas intends to provide local exchange service on a resale basis.

On March 13, 1997, the Commission electronically transmitted notice of the filing and the intervention deadline of March 28, 1997, to interested individuals and entities. On March 25, 1997, the Commission received a Petition to Intervene from South Dakota Independent Telephone Coalition (SDITC). SDITC was granted intervention by order dated April 10, 1997. On May 29, 1997, the Commission received a letter from SDITC withdrawing their Petition to Intervene. At its regularly scheduled January 8, 1998, meeting, the Commission considered Atlas' request for an amended certificate of authority. Commission Staff recommended granting an amended certificate of authority, subject to rural safeguards, and subject to the condition that Atlas not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission. Commission Staff further recommended a waiver of 20:10:24:02(8) and (12).

The Commission finds that it has jurisdiction over this matter pursuant to Chapter 49-31, specifically 49-31-3 and ARSD 20:10:24:02 and 20:10:24:03. The Commission finds that Atlas has met the legal requirements established for the granting of an amended certificate of authority. Atlas has, in accordance with SDCL 49-31-1, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota. Further, the Commission finds that there is good cause to waive subparagraphs (8) and (12) of ARSD 20:10:24:02.

The Commission approves Atlas' application for an amended certificate of authority, subject to rural safeguards, and subject to the condition that Atlas not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission. The amended certificate of authority for Atlas shall authorize it to offer local exchange services in those areas in South Dakota where U S WEST Communications, Inc. is the incumbent local exchange carrier. In the future, should Atlas choose to provide local exchange services statewide, with respect to rural telephone companies, Atlas 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 Atlas' application for an amended certificate of authority to provide telecommunications services, including local exchange services, is granted, subject to the condition that Atlas not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission; and it is

FURTHER ORDERED, that Atlas shall file informational copies of tariff changes with the Commission as the changes occur; and it is

FURTHER ORDERED, that the Commission shall authorize Atlas to offer its services in those areas in South Dakota where U S WEST Communications, Inc. is the incumbent local exchange carrier; and it is

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

Dated at Pierre, South Dakota, this 13th day of January, 1998.

**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.

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JAMES A. BURG, Chairman

By: \_\_\_\_\_

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PAM NELSON, Commissioner

Date: \_\_\_\_\_

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LASKA SCHOENFELDER,  
Commissioner

(OFFICIAL SEAL)