

Telecommunications Orders - Issued 1999**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE APPLICATION OF SIOUX FALLS CABLE TELEVISION FOR A CERTIFICATE OF AUTHORITY TO PROVIDE TELECOMMUNICATIONS SERVICES, INCLUDING LOCAL EXCHANGE SERVICES, IN SOUTH DAKOTA)	ORDER
)	GRANTING
)	CERTIFICATE
)	OF
)	AUTHORITY
)	
)	TC98-148
)	

On August 27, 1998, the Public Utilities Commission (Commission), in accordance with SDCL 49-31-3 and ARSD 20:10:24:02, received an application for a certificate of authority from Sioux Falls Cable Television (SFCT).

SFCT proposes to initially offer voice messaging and data transmission services and thereafter an increasing variety of telecommunications services. Initially, services will be provided in Sioux Falls, Crooks, Renner and Mitchell. A proposed tariff was filed by SFCT.

On September 3, 1998, the Commission electronically transmitted notice of the filing and the intervention deadline of September 18, 1998, to interested individuals and entities. Intervention in this docket was granted to Baltic, SDITC, DTG, and DTI. A March 30, 1999, meeting, the Commission considered SFCT's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to rural safeguards. A stipulation was filed with the Commission on March 29, 1999, thus the hearing scheduled for April 8 and 9, 1999, is cancelled.

The Commission finds that it has jurisdiction over this matter pursuant to Chapter 49-31, specifically 49-31-3 and 49-31-69 and ARSD 20:10:24:02, 20:10:24:03 and 20:10:32:03. The Commission finds that SFCT has met the legal requirements established for the granting of a certificate of authority. SFCT 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 approves SFCT's application for a certificate of authority, subject to rural safeguards. The certificate of authority for SFCT 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 SFCT choose to provide local exchange services statewide, with respect to rural telephone companies, SFCT 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 SFCT's application for a Certificate of Authority to provide telecommunications services, including local exchange services, is granted; and it is

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

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

Dated at Pierre, South Dakota, this 1st day of April, 1999.

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

By: _____

Date: _____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

LASKA SCHOENFELDER, Commissioner

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