

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION OF AVERA COMMUNICATION, L.L.C. FOR A CERTIFICATE OF AUTHORITY TO PROVIDE LOCAL EXCHANGE SERVICES IN SOUTH DAKOTA)))))	ORDER GRANTING CERTIFICATE OF AUTHORITY <p style="text-align: center;">TC99-083</p>
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On July 6, 1999, the Public Utilities Commission (Commission) received an application for a certificate of authority from Avera Communication, L.L.C. (Avera).

Avera proposes to offer both facilities based local exchange services and resale of U S WEST services in U S WEST territory.

On July 8, 1999, the Commission electronically transmitted notice of the filing and the intervention deadline of July 23, 1999, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled August 17, 1999, meeting, the Commission considered Avera's request for a certificate of authority. Commission Staff recommended granting a certificate of authority as Avera had furnished the Commission with a surety bond, subject to rural safeguards. Commission Staff further recommended a waiver of 20:10:32:03(11).

The Commission finds that it has jurisdiction over this matter pursuant to Chapter 49-31, specifically 49-31-69 and ARSD 20:10:32:03. The Commission finds that Avera has met the legal requirements established for the granting of a certificate of authority. Avera has, in accordance with SDCL 49-31-71, 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 subparagraph (11) of ARSD 20:10:32:03.

The Commission approves Avera's application for a certificate of authority, subject to rural safeguards. The certificate of authority for Avera 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 Avera choose to provide local exchange services statewide, with respect to rural telephone companies, Avera 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 Avera's application for a certificate of authority to provide local exchange services, is granted, effective September 6, 1999; and it is

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

FURTHER ORDERED, that the Commission shall authorize Avera to offer its local exchange 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 subparagraph (11) of ARSD 20:10:32:03.

Dated at Pierre, South Dakota, this 26th day of August, 1999.

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.

By: _____

Date: _____

(OFFICIAL SEAL)

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

LASKA SCHOENFELDER, Commissioner