

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

IN THE MATTER OF THE APPLICATION TO)	ORDER GRANTING
TRANSFER THE CERTIFICATE OF)	TRANSFER OF
AUTHORITY FROM BLACK HILLS)	CERTIFICATE OF
FIBERCOM, INC. TO BLACK HILLS)	AUTHORITY
FIBERCOM, L.L.C.)	
)	TC99-026

On March 25, 1999, the Public Utilities Commission (Commission), in accordance with SDCL 49-31-3 and ARSD 20:10:24:02, 20:10:24:04.01, 20:10:32:03 and 20:10:32:08, received an application from Black Hills FiberCom, Inc. to transfer its certificate of authority to Black Hills FiberCom, L.L.C. Black Hills FiberCom, Inc. was granted authority to provide interexchange telecommunications services statewide and local telecommunications services within U S WEST Communications, Inc.'s service areas on August 5, 1998.

On April 1, 1999, the Commission electronically transmitted notice of the filing and the intervention deadline of April 16, 1999, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled April 26, 1999, meeting, the Commission considered Black Hills FiberCom, Inc.'s request for a transfer of its certificate of authority to Black Hills FiberCom, L.L.C. Commission Staff recommended granting the transfer of the certificate of authority, subject to rural safeguards.

The Commission finds that it has jurisdiction over this matter pursuant to Chapter 49-31, specifically 49-31-3 and 49-31-75 and ARSD 20:10:24:02, 20:10:24:03, 20:10:24:04.01, 20:10:32:03 and 20:10:32:08. The Commission finds that Black Hills FiberCom, L.L.C. has met the legal requirements established for the granting of a certificate of authority. Black Hills FiberCom, L.L.C. has, in accordance with SDCL 49-31-1, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota.

The Commission approves Black Hills FiberCom, Inc.'s application to transfer its certificate of authority to Black Hills FiberCom, L.L.C., subject to rural safeguards. The certificate of authority for Black Hills FiberCom, L.L.C. 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 Black Hills FiberCom, L.L.C. choose to provide local exchange services statewide, with respect to rural telephone companies, Black Hills FiberCom, L.L.C. 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 Black Hills FiberCom, Inc.'s application for a transfer of its certificate of authority to Black Hills FiberCom, L.L.C. to provide telecommunications services, including local exchange services, is granted; and it is

FURTHER ORDERED, that Black Hills FiberCom, L.L.C. shall file informational copies of tariff changes with the Commission as the changes occur; and it is

FURTHER ORDERED, that the Commission shall authorize Black Hills FiberCom, L.L.C. to offer its local 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 5th day of May, 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:	<u>Silvina Kalbs</u>
Date:	<u>5/6/99</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner