

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

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
MIDCO COMMUNICATIONS, INC. AND SIOUX)	TRANSFER OF
FALLS CABLE TELEVISION TO TRANSFER)	CERTIFICATES OF
THEIR RESPECTIVE CERTIFICATES OF)	AUTHORITY
AUTHORITY TO MIDCONTINENT)	
COMMUNICATIONS)	TC00-085

On May 26, 2000, 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 Midco Communications, Inc. and Sioux Falls Cable Television to transfer their certificates of authority to Midcontinent Communications.

On June 1, 2000, the Commission electronically transmitted notice of the filing and the intervention deadline of June 16, 2000, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled September 13, 2000, meeting, the Commission considered Midco Communications, Inc. and Sioux Falls Cable Television's request for a transfer of their certificates of authority to Midcontinent Communications. Commission Staff recommended granting the transfer of the certificates of authority, subject to rural safeguards, and subject to a continuous \$25,000 surety bond. Commission Staff further recommended a waiver of ARSD 20:10:24:02(8) and (12) and ARSD 20:10:32:03(11) and (14).

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 Midcontinent Communications has met the legal requirements established for the granting of a certificate of authority. Midcontinent Communications 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 ARSD 20:10:24:02(8) and (12) and ARSD 20:10:32:03(11) and (14).

The Commission approves Midco Communications, Inc. and Sioux Falls Cable Television's application to transfer their certificates of authority to Midcontinent Communications, subject to rural safeguards, and subject to a continuous \$25,000 surety bond. The certificate of authority for Midcontinent Communications 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 Midcontinent Communications choose to provide local exchange services statewide, with respect to rural telephone companies, Midcontinent Communications 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 Midco Communications, Inc. and Sioux Falls Cable Television's application for a transfer of their certificates of authority to Midcontinent Communications to provide telecommunications services, including local exchange services, is granted, subject to a continuous \$25,000 surety bond; and it is

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

FURTHER ORDERED, that the Commission shall authorize Midcontinent Communications to offer its local 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 and subparagraphs (11) and (14) of ARSD 20:10:32:03.

Dated at Pierre, South Dakota, this 19th day of September, 2000.

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>Debra Kalbs</u>
Date:	<u>9/20/00</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