

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

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
COMM SOUTH COMPANIES, INC. FOR A)	CERTIFICATE OF
CERTIFICATE OF AUTHORITY TO PROVIDE)	AUTHORITY
LOCAL EXCHANGE SERVICES IN SOUTH)	
DAKOTA)	TC00-014

On February 10, 2000, the Public Utilities Commission (Commission) received an application for a certificate of authority from Comm South Companies, Inc. (Comm South).

Comm South seeks to provide resold basic local telecommunications services, including local calling (dialtone) and access to 911 emergency and 800 number services, on a prepaid basis, to residential customers throughout South Dakota. Offerings will include optional services such as call waiting, call return, call forwarding, three-way calling, caller ID, non-published number service and speed dialing. A proposed tariff was filed by Comm South.

On February 17, 2000, the Commission electronically transmitted notice of the filing and the intervention deadline of March 3, 2000, to interested individuals and entities. No petitions to intervene or comments were filed. On July 11, 2000, Comm South filed a petition and brief for Declaratory Ruling as to whether or not the Commission has the authority to waive ARSD 20:10:32:10(3), (4) and (7). On August 1, 2000, Commission Staff filed a reply brief. At its regularly scheduled August 9, 2000, meeting, the Commission considered the Declaratory Ruling and moved to hold a hearing. On November 21, 2000, Comm South withdrew its request for waiver and its petition for Declaratory Ruling. At its regularly scheduled January 17, 2001, meeting, the Commission considered Comm South's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to a continuous \$25,000 surety bond, and subject to rural safeguards.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-69 and ARSD 20:10:32:03. The Commission finds that Comm South has met the legal requirements established for the granting of a certificate of authority. Comm South has, in accordance with SDCL 49-31-71, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota.

The Commission approves Comm South's application for a certificate of authority, subject to a continuous \$25,000 surety bond, and subject to rural safeguards. The certificate of authority for Comm South shall authorize it to offer local exchange services in South Dakota, except in those areas served by a rural telephone company. In the future, should Comm South choose to provide local exchange services statewide, with respect to rural telephone companies, Comm South 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 Comm South's application for a certificate of authority to provide local exchange services is granted, subject to a continuous \$25,000 surety bond; and it is

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

FURTHER ORDERED, that the Commission shall authorize Comm South to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company.

Dated at Pierre, South Dakota, this 24th day of January, 2001.

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>Melaine Kelbo</u>
Date:	<u>1/25/01</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