

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

IN THE MATTER OF THE FILING FOR)	ORDER GRANTING
APPROVAL OF A BOUNDARY CHANGE)	AMENDED CERTIFICATES
BETWEEN JAMES VALLEY COOPERATIVE)	OF AUTHORITY AND
TELEPHONE COMPANY AND QWEST)	ORDER APPROVING
CORPORATION)	BOUNDARY CHANGE
)	TC01-160

On October 16, 2001, the Public Utilities Commission (Commission) received a joint request from James Valley Cooperative Telephone Company (James Valley) and Qwest Corporation (Qwest) for approval of a proposed boundary change. As requested by the customer, Jeff Hoellein, Qwest has agreed to release the customer to James Valley. The customer resides in the Redfield Exchange of Qwest's territory. The customer would like to be served by James Valley Cooperative Telephone Company from its Mellette Exchange. Following data requests from Commission Staff, James Valley and Qwest submitted requests for Amended Certificates of Authority pursuant to SDCL 49-31-69. James Valley and Qwest also requested a waiver of subparagraphs 1 through 7, 9 through 21, and 23 of ARSD 20:10:32:03, as the Commission already has the information needed on file.

The boundary change involves Sections 33 and 34, Township 119 North, Range 65 West, which will be added to James Valley's Mellette Exchange and deleted from Qwest's Redfield Exchange.

On February 5, 2002, at its regularly scheduled meeting, the Commission considered the parties' request for approval of the joint request for a boundary change, the requests for Amended Certificates of Authority, and waiver of subparagraphs 1 through 7, 9 through 21, and 23 of ARSD 20:10:32:03.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3 and 49-31-69 and ARSD 20:10:32:03. The Commission finds that James Valley and Qwest have met the legal requirements established for the granting of amended certificates of authority. James Valley and Qwest have, 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. Further, the Commission finds that there is good cause to waive subparagraphs 1 through 7, 9 through 21, and 23 of ARSD 20:10:32:03. Further, the Commission finds that pursuant to SDCL 49-31-69, the Amended Certificates of Authority shall be granted, that the proposed boundary territory change between James Valley and Qwest is in the public interest and the request shall be granted, and subparagraphs 1 through 7, 9 through 21, and 23 of ARSD 20:10:32:03 shall be waived. As the Commission's final decision in this matter, it is therefore

ORDERED, that the requests for Amended Certificates of Authority shall be granted; and it is

FURTHER ORDERED, that the proposed boundary territory change between James Valley and Qwest shall be granted; and it is

FURTHER ORDERED, that subparagraphs 1 through 7, 9 through 21, and 23 of ARSD 20:10:32:03 shall be waived.

Dated at Pierre, South Dakota, this 8th day of February, 2002.

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 Kalbs</u>
Date: <u>2/11/02</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Robert K. Sahr
ROBERT K. SAHR, Commissioner