

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

IN THE MATTER OF THE FILING BY)	ORDER GRANTING
BROOKINGS MUNICIPAL UTILITIES D/B/A)	AMENDED CERTIFICATES
SWIFTEL COMMUNICATIONS FOR APPROVAL)	OF AUTHORITY AND
OF ITS REVISED SERVICE TERRITORY AS A)	ORDER APPROVING
RESULT OF ANNEXATION)	REVISED SERVICE
)	TERRITORY AS A RESULT
)	OF ANNEXATION
)	TC04-057

On March 16, 2004, the Public Utilities Commission (Commission) received a filing from Brookings Municipal Utilities d/b/a Swiftel Communications (Swiftel) to revise its franchise service territory map to reflect the new telephone service territory resulting from an annexation by the City of Brookings. On March 29, 2004, the Commission received a letter from Interstate Telecommunications Cooperative, Inc. (ITC) stating it concurred with the revised service territory map and requesting an Amended Certificate of Authority. On April 2, 2004, the Commission received a letter from Swiftel requesting an Amended Certificate of Authority, pursuant to SDCL 49-31-69. Swiftel and ITC 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 annexations described in Brookings City Resolution Nos. 39-01, 13-03 and 38-03 are as follows:

Resolution No. 39-01

The West 1,600 Feet of the S1/2 of the NW1/4 of Section 1-T109N-R50W.

Resolution No. 13-03

the South1/2 of the SE1/4 of Section 18-T110N-R49W, except the platted areas thereof and except the East 720 Feet thereof.

Resolution No. 38-03

the NW1/4 of Section 6-T109N-R49W, except the platted areas thereof,

all in the County of Brookings, South Dakota.

On March 18, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of April 2, 2004, to interested individuals and entities. No petitions to intervene or comments were filed.

On May 11, 2004, at its regularly scheduled meeting, the Commission considered the parties' request for approval of a revision to Swiftel's service territory, the requests for Amended Certificates of Authority, and a 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 Swiftel and ITC have met the legal requirements established for the granting of amended certificates of authority. Swiftel and ITC 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 revision to Swiftel's service territory is in the public interest and the request shall be granted, and ARSD 20:10:32:03, subparagraphs 1 through 7, 9 through 21 and 23 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 revision to Swiftel's service territory shall be granted; and it is

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

Dated at Pierre, South Dakota, this 13th day of May, 2004.

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: _____

Date: _____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

ROBERT K. SAHR, Chairman

GARY HANSON, Commissioner

JAMES A. BURG, Commissioner