

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

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
MIDCONTINENT COMMUNICATIONS FOR)	PETITION TO AMEND
APPROVAL TO EXPAND ITS CERTIFICATE OF)	CERTIFICATE OF
AUTHORITY TO PROVIDE LOCAL EXCHANGE)	AUTHORITY AND ORDER
SERVICE IN THE WOLSEY EXCHANGE OF)	GRANTING WAIVER
THE SERVICE TERRITORY OF SANTEL)	
COMMUNICATIONS COOPERATIVE, INC.)	TC05-161

On August 26, 2005, the Public Utilities Commission (Commission) received an Application for an Amended Certificate of Authority from Midcontinent Communications (Midcontinent) for approval to provide local exchange service in the rural exchange area of Wolsey, South Dakota. Midcontinent also requested a waiver of ARSD 20:10:32:18. Midcontinent states that the application is a competitive response to the provision of video programming in the geographical area applied for by the incumbent carrier, Santel Communications Cooperative, Inc. (Santel). Midcontinent also states that 47 U.S.C. § 251(f)(1)(C) is applicable to the application and as such, the exemption provided by 47 U.S.C. § 251(f)(1)(A) does not apply to Santel.

On September 1, 2005, the Commission electronically transmitted notice of the filing and the intervention deadline of September 16, 2005, to interested individuals and entities. On September 16, 2005, the Commission received a Petition to Intervene from South Dakota Telecommunications Association (SDTA). At a regularly scheduled meeting of September 27, 2005, the Commission granted intervention to SDTA. On October 6, 2005, the Commission received a late filed Petition to Intervene from Santel. At a regularly scheduled meeting of November 1, 2005, the Commission granted intervention to Santel. At its regularly scheduled December 6, 2005, meeting, the Commission considered Midcontinent's request for an amended certificate of authority. Commission Staff recommended granting the petition to amend the certificate of authority, the request for confidential treatment of ARSD 20:10:32:03(11), and to grant the waiver of ARSD 20:10:32:15 pursuant to ARSD 20:10:32:18.

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 Midcontinent has met the legal requirements established for the granting of an amended certificate of authority. Midcontinent has 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 ARSD 20:10:32:15 pursuant to ARSD 20:10:32:18 and to grant the request for confidential treatment of ARSD 20:10:32:03(11). Further, the Commission finds that pursuant to SDCL 49-31-69, an Amended Certificate of Authority shall be granted, as it is in the public interest. As the Commission's final decision in this matter, it is therefore

ORDERED, that the request for an Amended Certificate of Authority shall be granted to authorize Midcontinent to provide competitive local exchange service within the city of Wolsey; and it is

FURTHER ORDERED, that ARSD 20:10:32:15 shall be waived pursuant to ARSD 20:10:32:18; and it is

FURTHER ORDERED, that the request for confidential treatment of ARSD 20:10:32:03(11) be granted.

Dated at Pierre, South Dakota, this 14th day of December, 2005.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u> Arlaine Kalbo </u></p> <p>Date: <u> 12/14/05 </u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

 Gary Hanson
GARY HANSON, Chairman

 Robert K. Sahr
ROBERT K. SAHR, Commissioner

 Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner