

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

IN THE MATTER OF THE FILING BY)	ORDER DISMISSING FILING
HEARTLAND TELECOMMUNICATIONS)	AND CLOSING DOCKET
COMPANY OF IOWA D/B/A HICKORYTECH)	
CORPORATION FOR A WAIVER OF ARSD §§)	TC06-078
20:10:32:52, 20:10:32:53 AND 20:10:32:54)	

On July 3, 2006, Heartland Telecommunications of Iowa d/b/a HickoryTech Corporation (Heartland) filed a Petition for a Waiver of ARSD Sections 20:10:32:52 to 20:10:32:54, inclusive. Heartland's study area is comprised primarily of a geographic area contained within the state of Iowa, but also includes small portions of rural territory in South Dakota and Minnesota. Heartland's service area in South Dakota consists of West Arkon and West Hawarden. Heartland states that it will comply with the final rulemaking order of the Iowa Utilities Board (IUB) to determine the annual reporting and certification requirements for all carriers with eligible telecommunications carrier (ETC) designation (RMU 06-1). According to Heartland's Petition for a Waiver, for companies that have a very small portion of their overall study area in South Dakota, the requirement of certifying the use of federal Universal Service Fund monies per the requirements of the above referenced rules are "unduly burdensome and unnecessary" for the Commission to certify that Heartland is using the federal high cost support for the uses it is intended. Because its study area is largely contained within the state of Iowa and because it will comply with the IUB requirements for ETC certification, Heartland requests that it be allowed to file a copy of its Iowa ETC certification with the SDPUC; and that the SDPUC accept such filing as sufficient to make the determination as to include Heartland on the list of certified carriers it provides to the FCC on or before October 1 of each year.

On July 6, 2006, the Commission electronically transmitted notice of the filing and the intervention deadline of July 21, 2006, to interested individuals and entities. No petitions to intervene or comments were filed.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-31, and 47 U.S.C. § 254.

On August 23, 2006, at its regularly scheduled meeting, the Commission considered this matter. Commission Staff recommended that the Commission dismiss and close the docket as Heartland has filed in Docket TC06-142 in accordance with the new administrative rules and also recommended that if Heartland does want to bring back its waiver request at a later time it be allowed to do so. It is therefore

ORDERED, that the filing shall be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 11th day of September, 2006.

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 Kolbo </u>
Date:	<u> 9/13/06 </u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

 Robert K. Sahr
ROBERT K. SAHR, Chairman

 Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner

 Gary Hanson
GARY HANSON, Commissioner