

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

IN THE MATTER OF THE APPLICATION OF)	
TW TELECOM DATA SERVICES LLC FOR A)	
CERTIFICATE OF AUTHORITY FOR)	ORDER GRANTING
TELECOMMUNICATIONS SERVICES IN)	CERTIFICATE OF
SOUTH DAKOTA)	AUTHORITY
)	
)	TC10-046

On May 25, 2010, the Public Utilities Commission (Commission) received an application from tw telecom data services llc (tw telecom) for a certificate of authority to provide local exchange services in South Dakota. tw telecom proposed to offer primarily private line services, however the company may offer local exchange services in the future. This application is for service territories of existing ILEC operators. On June 3, 2010, the Commission electronically transmitted notice of the filing and the intervention deadline of June 11, 2010, to interested individuals and entities. No petitions to intervene or comments were filed.

At its regularly scheduled meeting on July 6, 2010, the Commission considered tw telecom's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to rural safeguards.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3 and ARSD 20:10:24:02 and 20:10:32:03. The Commission finds that tw telecom has met the legal requirements established for the granting of a certificate of authority. tw telecom has, in accordance with SDCL 49-31-3, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota.

The Commission approves tw telecom's application for a certificate of authority, subject to rural safeguards. The certificate of authority for tw telecom 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 tw telecom choose to provide local exchange services statewide, with respect to rural telephone companies, tw telecom 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 tw telecom's application for a certificate of authority to provide local exchange and interexchange telecommunications services is granted, subject to rural

safeguards. It is further

ORDERED, that this certificate of authority authorizes tw telecom to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company. It is further

ORDERED, that this order constitutes tw telecom's certificate of authority as described above.

Dated at Pierre, South Dakota, this 12th day of July, 2010.

<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, electronically.</p> <p>By: <u>Amisa Gaudin</u></p> <p>Date: <u>7-12-2010</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Gary Hanson
GARY HANSON, Commissioner