

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

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING)
CITY OF BROOKINGS MUNICIPAL)	AMENDED CERTIFICATE OF)
TELEPHONE DBA SWIFTEL)	AUTHORITY, APPROVING)
COMMUNICATIONS FOR AN AMENDED)	REVISED SERVICE)
CERTIFICATE OF AUTHORITY)	TERRITORY AS A RESULT)
)	OF ANNEXATION, AND)
)	GRANTING WAIVERS)
))
)	TC11-005

On February 10, 2011, the Public Utilities Commission (Commission) received an application from City of Brookings Municipal Telephone dba Swiftel Communications (Swiftel) for an Amended Certificate of Authority for local exchange service pursuant to SDCL 49-31-69. Swiftel requested an amendment to their Certificate of Authority, based on new telephone service territory resulting from the annexation of land by the City of Brookings. Swiftel also requested a waiver of ARSD 20:10:32:03 (1-8); (10-22); and (24). The legal descriptions of Resolutions No. 49-08 (real estate owned by Fishback Family Farms LLC) and No. 73-10 (real estate owned by the City of Brookings) describe the areas to be included in the Amended Certificate of Authority. These areas are undeveloped land and contain no customers being served by either Interstate Telecommunications Cooperative or Swiftel. The land annexed by Resolutions No. 55-08 and No. 59-08 will not be included in the service territory. The annexation described in Brookings City Resolutions No. 49-08 and No. 73-10 are as follows:

Resolution No. 49-08 *49-08 Swiftel*

The west 390 feet of the east 1,040 feet of the SE ¼ of the NW ¼ of Section 1-T109N-R50W, Brookings County, South Dakota

Resolution No. 73-10

The NE ¼ of Section 19-T110N-R49W excluding Lots H-4, H-5, and the platted areas, Brookings County, South Dakota

On February 17, 2011, the Commission electronically transmitted notice of the filing and the intervention deadline of March 4, 2011, to interested individuals and entities. On March 4, 2011, Interstate Telecommunications Cooperative filed a letter acknowledging the application and did not express any objection. No petitions to intervene were filed.

At its March 22, 2011, meeting the Commission considered Swiftel's request for approval of a revision to its service territory, the request for an Amended Certificate of Authority, and a waiver of subparagraphs 1 through 8, 10 through 22, and 24 of ARSD 20:10:32:03. Staff recommended approval of the revisions to the local exchange area, granting the application to amend the certificate of authority, and the requested waivers. The Commission voted unanimously to grant Swiftel's amended certificate of authority, approve a revision to its service territory, and grant the requested waivers.

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

has met the legal requirements established for the granting of an Amended Certificate of Authority. Swiftel 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 subparagraphs 1 through 8, 10 through 22 and 24 of ARSD 20:10:32:03. Further, the Commission finds that pursuant to SDCL 49-31-69, the Amended Certificate 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 8, 10 through 22 and 24 shall be waived.

It is therefore

ORDERED, that the request for an Amended Certificate 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 8, 10 through 22 and 24 shall be waived; and it is

FURTHER ORDERED, that Interstate Telecommunications Cooperative's Certificate of Authority shall be amended to reflect the corresponding revision to its service territory.

Dated at Pierre, South Dakota, this 31st day of March, 2011.

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, electronically.
By: <u><i>Sanna Reynolds</i></u>
Date: <u>3/31/11</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Steve Kolbeck
STEVE KOLBECK, Chairman

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner