

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

**IN THE MATTER OF THE APPLICATION OF)
CROWN CASTLE NG CENTRAL LLC FOR A)
CERTIFICATE OF AUTHORITY TO PROVIDE)
TELECOMMUNICATIONS SERVICES IN SOUTH)
DAKOTA)**

**ORDER GRANTING
CERTIFICATE OF AUTHORITY
AND GRANTING WAIVER**

TC14-081

On September 25, 2014, the South Dakota Public Utilities Commission (Commission) received an application from Crown Castle NG Central LLC (Crown Castle) requesting a certificate of authority to provide non-switched local transport services to wireless providers and other sophisticated enterprise customers.

On October 2, 2014, the Commission electronically transmitted notice of the filing and the intervention deadline of October 17, 2014, to interested individuals and entities. On October 17, 2014, South Dakota Telecommunications Association (SDTA) filed a Petition to Intervene which was granted by the Commission on October 31, 2014. On October 29, 2014, Crown Castle responded to staff's data request. On May 5, 2015, SDTA and Crown Castle filed a Joint Stipulation.

At its regularly scheduled meeting on May 26, 2015, the Commission considered Crown Castle's request for a certificate of authority. Commission staff recommended granting Crown Castle's request for waiver of ARSD 20:10:32:10 and granting a certificate of authority to provide local exchange services subject to the terms and conditions set forth in the Joint Stipulation.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3, 49-31-69 through 49-31-75, and ARSD 20:10:32:03. The Commission finds that Crown Castle has met the legal requirements established for the granting of a certificate of authority. Crown Castle 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.

The Commission approves Crown Castle's application for a certificate of authority subject to the terms and conditions as set forth in the Joint Stipulation:

The parties agree that the certificate of authority granted by the Commission to Crown Castle would be limited to authorizing only the provisioning of its non-switched "RF Transport Services."

The certification granted by the Commission would not permit Crown Castle to provide telephone exchange services or switched access services within rural telephone company service areas. In addition, Crown Castle agrees that the offering of its service in South Dakota's rural service areas will not require it to request interconnection services from rural telephone companies.

In the future, if Crown Castle chooses to provide telephone exchange services or switched access services within any area served by a rural telephone company, Crown Castle is required 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). This will allow the Commission to require Crown Castle to meet the requirements in 47 U.S.C. § 214(e)(1) for designation as an eligible telecommunications carrier in a rural service area.

The parties agree that the grant of statewide certification to Crown Castle as specified herein 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 Crown Castle's application for a certificate of authority is granted, subject to the terms and conditions outlined above and in the Joint Stipulation. It is further

ORDERED, that this certificate of authority authorizes Crown Castle to offer its non-switched local transport services in South Dakota, subject to the terms and conditions outlined above and in the Joint Stipulation. It is further

ORDERED, that Crown Castle's request for waiver of ARSD 20:10:32:10 is hereby granted. It is further

ORDERED, that this order constitutes Crown Castle's certificate of authority as described above.

Dated at Pierre, South Dakota, this 2nd day of June, 2015.

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| 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 or by mail. |
| By: <u>Rayne West</u> |
| Date: <u>6-2-15</u> |
| (OFFICIAL SEAL) |

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner