

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

IN THE MATTER OF THE APPLICATION OF MIDCONTINENT COMMUNICATIONS FOR AN AMENDED CERTIFICATE OF AUTHORITY AND FOR A WAIVER OF ARSD 20:10:32:15)))))))	ORDER GRANTING AMENDED CERTIFICATE OF AUTHORITY AND GRANTING WAIVER TC17-005
---	---------------------------------	--

On February 10, 2017, the South Dakota Public Utilities Commission (Commission) received an Application for Amended Certificate of Authority and an Application for Waiver of ARSD 20:10:32:15 from Midcontinent Communications (Midcontinent). Midcontinent seeks an amendment to its existing certificate of authority in order to provide competitive local exchange services in the rural exchange area of Ipswich, South Dakota. Midcontinent also seeks a waiver of ARSD 20:10:32:15.

On February 16, 2017, Commission electronically transmitted notice of the filing and the intervention deadline March 3, 2017, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On February 24, 2017, South Dakota Telecommunications Association (SDTA) filed a Petition to Intervene. On February 28, 2017, Valley Telecommunications Cooperative Association, Inc. (Valley) filed a Petition to Intervene. On March 21, 2017, the Commission issued an Order Granting Intervention. On March 29, 2017, Midcontinent filed a letter clarifying its previous § 251 Interconnection request. On July 5, 2017, this matter was deferred at the request of the parties. On July 21, 2017, Midcontinent, SDTA, and Valley filed a Joint Stipulation for Partial Settlement.

On July 21, 2017, at its regularly scheduled meeting, the Commission considered this matter. 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 voted unanimously to grant the waiver of ARSD 20:10:32:15 and approve the Amended Certificate of Authority. The Commission finds that Midcontinent has met the legal requirements established for the granting of an Amended Certificate of Authority. The Commission finds that Midcontinent has met the requirements of ARSD 20:10:32:18 to grant the waiver of ARSD 20:10:32:15. The Commission also approved the Stipulation for Partial Settlement and this stipulation is incorporated herein by reference. As the Commission's final decision in this matter, it is therefore

ORDERED, that the Stipulation for Partial Settlement is approved; it is further

ORDERED, that Midcontinent's requested waiver of ARSD 20:10:32:15 is granted; it is further

ORDERED, that Midcontinent's request for an Amended Certificate of Authority is granted subject to the terms of the Joint Stipulation for Partial Settlement, including the filing and approval of an Interconnection Agreement.

Dated at Pierre, South Dakota, this 24th day of July, 2017.

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>Karen E. Cremer</u>
Date: <u>07/24/17</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner