

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

**IN THE MATTER OF THE APPLICATION OF)
VALLEY COMMUNICATIONS, INC. DBA VALLEY)
FIBERCOM FOR A CERTIFICATE OF AUTHORITY)
TO PROVIDE LOCAL EXCHANGE AND)
INTEREXCHANGE LONG DISTANCE SERVICES)
IN SOUTH DAKOTA)**

**ORDER GRANTING
CERTIFICATE OF
AUTHORITY**

TC18-022

On June 7, 2018, the South Dakota Public Utilities Commission (Commission) received a filing from Valley Communications, Inc. dba Valley FiberCom (Valley) for a Certificate of Authority to provide local exchange and interexchange long distance services in South Dakota. In the Application, Valley seeks to provide services to business and residential customers in the Volga, Arlington, Lake Preston and De Smet exchanges, currently served by CenturyLink.

On June 14, 2018, the Commission electronically transmitted notice of the filing and the intervention deadline of June 29, 2018, to interested individuals and entities on the Commission's PUC Weekly Filing electronic listserv. On June 19, 2018, Midcontinent Communications filed a Petition to Intervene in the docket. On July 3, 2018, the Commission issued an Order Granting Intervention to Midcontinent Communications. On July 12, 2018, Valley responded to staff's data request.

At its regularly scheduled meeting on September 4, 2018, the Commission considered this matter. Commission staff recommended granting a certificate of authority subject to a continuous \$25,000 bond to cover any deposits the company may charge, and 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 49-31-69 through 49-31-75, and ARSD 20:10:24:02 and 20:10:32:03 . The Commission finds that Valley has met the legal requirements established for the granting of a certificate of authority. Valley 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 voted unanimously to approve Valley's application for a certificate of authority subject to a continuous \$25,000 bond and rural safeguards. The certificate of authority for Valley shall authorize it to provide interexchange and local exchange telecommunications service in South Dakota, except in those areas served by a rural telephone company. In the future, should Valley choose to provide local exchange services statewide, with respect to rural telephone companies, Valley 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 Valley's application for a certificate of authority to provide interexchange services in South Dakota is granted. It is further,

ORDERED, that Valley's request for a certificate of authority to provide local exchange services is granted, subject to a continuous \$25,000 bond and rural safeguards. It is further

ORDERED, that this certificate of authority authorizes Valley 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 Valley's Certificate of Authority as described above.

Dated at Pierre, South Dakota, this 11th day of September 2018.

<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 or by mail.</p> <p>By: <u>Adam De Hueck</u></p> <p>Date: <u>9/11/18</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

Kristie Regen
KRISTIE REGEN, Chairperson

Chris Nelson
CHRIS NELSON, Commissioner