

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

**IN THE MATTER OF THE JOINT)
APPLICATION FOR APPROVAL OF AN)
AMENDMENT TO THE CERTIFICATE OF)
AUTHORITY OF MIDSTATE)
COMMUNICATIONS, INC. AND FOR WAIVER)
OF CERTAIN REQUIREMENTS OF ARSD)
20:10:32:03)**

**ORDER GRANTING
AMENDED CERTIFICATE OF
AUTHORITY AND
GRANTING WAIVERS**

TC13-118

On October 29, 2013, the Public Utilities Commission (Commission) received a joint filing from Midstate Communications, Inc. and Midstate Telecom, Inc. This filing proposes an amendment to the COA of Midstate Telecom, Inc. to permit Midstate Communications, Inc. to operate as the competitive local exchange carrier. This amendment comes with the prospective merger of Midstate Telecom, Inc. into Midstate Communications, Inc. The Applicants also request waivers of ARSD 20:10:32:03: (6), (7), (8)(c), (10), (13), (14), (15), (18), (19), (20) and (22). On November 15, 2013, the Applicants filed responses to staff's data request.

On October 31, 2013, the Commission electronically transmitted notice of the filing and the intervention deadline of November 15, 2013, to interested individuals and entities. No petitions to intervene or comments were filed.

On December 3, 2013, at its regularly scheduled meeting, the Commission considered the request for an Amended Certificate of Authority. 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 the Applicants have met the legal requirements established for the granting of an Amended Certificate of Authority. Midstate Communications, Inc. 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 pursuant to SDCL 49-31-69, the Amended Certificate of Authority is in the public interest and shall be granted. The Commission also granted the waivers. As the Commission's final decision in this matter, it is therefore

ORDERED, that Midstate Communications, Inc.'s request for an Amended Certificate of Authority shall be granted; and it is further

ORDERED, that Midstate Communications, Inc.'s local exchange service territory following consummation of the merger shall consist of the local exchange service areas of Midstate Communication, Inc., Chamberlain, and Oacoma; and it is further

ORDERED, that the Applicants requested waivers of ARSD 20:10:32:03: (6), (7), (8)(c), (10), (13), (14), (15), (18), (19), (20) and (22) are granted; and it is further

ORDERED, that Midstate Telecom, Inc.'s Surety Bond requirement shall be waived; and it is further

ORDERED, that this Order shall constitute the Amended Certificate of Authority of Midstate Telecom, Inc. into Midstate Communications, Inc.

Dated at Pierre, South Dakota, this 17th day of December, 2013.

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>Joy Lashley</u>
Date:	<u>12.17.13</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Gary Hanson

GARY HANSON, Chairman

Chris Nelson

CHRIS NELSON, Commissioner

Kristie Fiegen

KRISTIE FIEGEN, Commissioner