

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

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
WILLIAMS & COMPANY COMMUNICATIONS,)	CERTIFICATE OF
INC. FOR A CERTIFICATE OF AUTHORITY TO)	AUTHORITY
PROVIDE LOCAL EXCHANGE SERVICES IN)	
SOUTH DAKOTA)	TC01-051

On May 15, 2001, the Public Utilities Commission (Commission) received an application for a certificate of authority from Williams & Company Communications, Inc. (Williams).

Williams proposes to offer local exchange service and high speed internet access telecommunication services in South Dakota. A proposed tariff was filed by Williams.

On May 17, 2001, the Commission electronically transmitted notice of the filing and the intervention deadline of June 1, 2001, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled July 24, 2001, meeting, the Commission considered Williams' request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to rural safeguards, and subject to the condition that Williams not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission. Commission Staff further recommended a waiver of ARSD 20:10:32:03(14).

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-69 and ARSD 20:10:32:03. The Commission finds that Williams has met the legal requirements established for the granting of a certificate of authority. Williams has, in accordance with SDCL 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 subparagraph (14) of ARSD 20:10:32:03.

The Commission approves Williams' application for a certificate of authority, subject to rural safeguards, and subject to the condition that Williams not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission. The certificate of authority for Williams shall authorize it to offer local exchange services in South Dakota, except in those areas served by a rural telephone company. In the future, should Williams choose to provide local exchange services statewide, with respect to rural telephone companies, Williams 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 Williams' application for a certificate of authority to provide local exchange services is granted, subject to the condition that Williams not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission; and it is

FURTHER ORDERED, that Williams shall file informational copies of tariff changes with the Commission as the changes occur; and it is

FURTHER ORDERED, that the Commission shall authorize Williams to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company; and it is

FURTHER ORDERED, that the Commission finds good cause to waive subparagraph (14) of ARSD 20:10:32:03.

Dated at Pierre, South Dakota, this 27th day of July, 2001.

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, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u>Melaine Kelbo</u>
Date:	<u>8/3/01</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner