

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

**IN THE MATTER OF THE FILING BY THREE RIVER TELCO FOR A WAIVER OF ARSD §§ 20:10:32:52, 20:10:32:53 AND 20:10:32:54 ) ORDER GRANTING WAIVER ) TC06-133**

On August 1, 2006, Three River Telco (Three River) filed a Petition for a Waiver of ARSD Sections 20:10:32:52, 20:10:32:53 and 20:10:32:54, inclusive. Three River's study area consists primarily of a geographic area contained within the state of Nebraska. Three River's service area in South Dakota consists of the North Naper exchange. North Naper is the rural portion of an exchange where the larger portion of the exchange and the central office is located in Nebraska. Three River has no wire centers in South Dakota. For companies such as Three River who have a very small portion of their overall study area in South Dakota, Three River asserts that the requirement of certifying the use of universal service fund monies in accordance with the requirements of the newly-adopted ARSD Sections 20:10:32:52, 20:10:32:53 and 20:10:32:54 is unduly burdensome and unnecessary for the Commission to certify that Three River is using federal high cost support for its intended purposes. Because its study area is largely contained within the state of Nebraska and because it will comply with the Nebraska Public Service Commission requirements for ETC certification, Three River requests that it be allowed to file a copy of its Nebraska ETC certification with the SDPUC; and that the SDPUC accept such filings as sufficient to make the determination as to include Three River on the list of certified carriers it provides to the FCC and USAC on or before October 1 of each year.

On August 3, 2006, the Commission electronically transmitted notice of the filing and the intervention deadline of August 25, 2006, to interested individuals and entities. No petitions to intervene or comments were filed.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-31, and 47 U.S.C. § 254.

On September 12, 2006, at its regularly scheduled meeting, the Commission considered this matter. Commission Staff had no objection to granting the waiver. The Commission voted to grant a waiver of ARSD Sections 20:10:32:52, 20:10:32:53 and 20:10:32:54, finding that compliance is unduly burdensome and unnecessary. It is therefore

ORDERED, that the request for a waiver of ARSD Sections 20:10:32:52, 20:10:32:53 and 20:10:32:54 is hereby granted.

Dated at Pierre, South Dakota, this 26<sup>th</sup> day of September, 2006.

**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: Helaine Kalbo

Date: 9/26/06

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr  
ROBERT K. SAHR, Chairman

Dustin M. Johnson  
DUSTIN M. JOHNSON, Commissioner

Gary Hanson  
GARY HANSON, Commissioner