

State of South Dakota

EIGHTIETH
LEGISLATIVE ASSEMBLY, 2005

400L0294

SENATE BILL NO. 19

Introduced by: The Committee on Commerce at the request of the Public Utilities
Commission

1 FOR AN ACT ENTITLED, An Act to revise the length of time for the Public Utilities
2 Commission to act on an application for a certificate of authority for interexchange
3 telecommunications service.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 49-31-3 be amended to read as follows:

6 49-31-3. The commission has general supervision and control of all telecommunications
7 companies offering common carrier services within the state to the extent such business is not
8 otherwise regulated by federal law or regulation. The commission shall inquire into any
9 complaints, unjust discrimination, neglect, or violation of the laws of the state governing such
10 companies. The commission may exercise powers necessary to properly supervise and control
11 such companies.

12 Each telecommunications company that plans to offer or provide interexchange
13 telecommunications service shall file an application for a certificate of authority with the
14 commission pursuant to this section. Telecommunications companies seeking to provide any
15 local exchange service shall submit an application for certification by the commission pursuant



1 to §§ 49-31-1 through 49-31-89. ~~Applications required by this section shall be filed by the~~
2 ~~company no less than sixty days before its initiation of telecommunications service in this state.~~
3 The commission shall have the exclusive authority to grant a certificate of authority. Each
4 telecommunications company shall submit a two hundred fifty dollar application fee with its
5 application which shall be deposited into the gross receipts tax fund established pursuant to
6 § 49-1A-2. ~~If the commission has not ruled upon an application at the end of the sixty days, the~~
7 ~~telecommunications company may initiate telecommunications services in the state until the~~
8 ~~commission reaches a decision on the application. If the application is granted, the company~~
9 ~~may continue to offer its services. However, if the application is denied, the company shall cease~~
10 ~~and desist from offering any further services in this state. Unless an evidentiary hearing is~~
11 ~~required by the commission, the commission shall act on an application for a certificate of~~
12 ~~authority to provide interexchange telecommunications service within sixty days of receiving~~
13 ~~a complete application. If an evidentiary hearing is required, the commission shall act on the~~
14 ~~application within one hundred twenty days of receipt of a complete application.~~ A
15 telecommunications company has the burden to prove in its application that it has sufficient
16 technical, financial and managerial capabilities to offer the telecommunications services
17 described in its application before the commission may grant a certificate of authority. The
18 commission may rule upon a telecommunications company's application for a certificate of
19 authority with or without hearing.

20 Any certificate of authority granted by the commission may be suspended or revoked
21 pursuant to chapter 1-26 for a willful violation of the laws of this state, a willful failure to
22 comply with a rule or order of the commission, or other good cause. The commission shall, by
23 rules promulgated pursuant to chapter 1-26, prescribe the necessary procedures to implement
24 this section. A telecommunications company that had lawful authority immediately prior to July

1 1, 1998, to provide interexchange telecommunications services shall continue to have such
2 authority. Any certificate of authority to provide such telecommunications service may not be
3 sold, assigned, leased, or transferred without commission approval. The offering of such
4 telecommunications services by a telecommunications company without a certificate of
5 authority or inconsistent with this section is a Class 1 misdemeanor.