

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

**IN THE MATTER OF THE APPLICATION OF)
BCN TELECOM, INC. FOR A CERTIFICATE OF)
AUTHORITY TO PROVIDE LOCAL)
EXCHANGE SERVICES IN SOUTH DAKOTA)
)**

**ORDER GRANTING
CERTIFICATE OF
AUTHORITY**

TC13-105

On August 13, 2013, the Public Utilities Commission (Commission) received an application from BCN TELECOM, INC. (BCN) requesting a certificate of authority to provide facilities-based and resold local exchange telecommunications services in South Dakota. BCN has authority to provide intrastate interexchange services in South Dakota.

On August 15, 2013, the Commission electronically transmitted notice of the filing and the intervention deadline of August 30, 2013, to interested individuals and entities. No petitions to intervene or comments were filed. On September 16, 2013, and November 1, 2013, BCN filed its responses to staff's data requests.

At its regularly scheduled meeting of November 22, 2013, the Commission considered BCN's request for a certificate of authority to provide local exchange services. Commission Staff recommended granting a certificate of authority subject to the condition that BCN not offer any prepaid services, for retail purposes, including prepaid calling cards and not accept or require any deposits or advance payments without prior approval of the Commission, and be subject to rural safeguards.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3, 49-31-69 through 49-31-75, and ARSD 20:10:32:03. The Commission finds that BCN has met the legal requirements established for the granting of a certificate of authority. BCN 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 approves BCN's application for a certificate of authority subject to the condition that BCN not offer any prepaid services, for retail purposes, (including prepaid calling cards) and not accept or require any deposits or advance payments without prior approval of the Commission, and subject to rural safeguards. The certificate of authority for BCN shall authorize it to provide local exchange telecommunications service in South Dakota, except in those areas served by a rural telephone company. In the future, should BCN choose to provide local exchange services statewide, with respect to rural telephone companies, BCN 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 BCN's application for a certificate of authority to provide local exchange services is granted, subject to the condition that BCN not offer any prepaid services, for retail purposes, (including prepaid calling cards) and not accept or require any deposits or advance payments without prior approval of the Commission, and subject to rural safeguards. It is further

ORDERED, that this certificate of authority authorizes BCN 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 BCN's certificate of authority as described above.

Dated at Pierre, South Dakota, this 2nd day of December, 2013.

<p 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.</p> <p>By: <u>[Signature]</u></p> <p>Date: <u>12.3.13</u></p> <p align="center">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

[Signature]
GARY HANSON, Chairman

[Signature]
CHRIS NELSON, Commissioner

[Signature]
KRISTIE FIEGEN, Commissioner