

TC97-161

CU/TS

TC97-161

DOCKET NO.

In the Matter of

IN THE MATTER OF THE
APPLICATION OF SBR, INC. FOR A
CERTIFICATE OF AUTHORITY TO
PROVIDE TELECOMMUNICATIONS
SERVICES IN SOUTH DAKOTA

Public Utilities Commission of the State of South Dakota

DATE

MEMORANDA

9/25/97 Filed and docketed;
9/25/97 TC For Filing;
10/9/97 Received Certificate of Authority from Sec of State,
12/1/97 Order Granting COA;
12/1/97 Docket Closed

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TC97-161
RECEIVED

SEP 25 1997

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Lance J.M. Steinhart

Attorney At Law
6455 East Johns Crossing
Suite 285
Duluth, Georgia 30097

Also Admitted in New York
and Maryland

Telephone: (770) 232-9200
Facsimile: (770) 232-9208

September 24, 1997

VIA FEDERAL EXPRESS

Mr. William Bullard
Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501-5070
(605) 773-3201

Re: SBR, Inc.

Dear Mr. Bullard:

Enclosed please find one original and ten (10) copies of SBR, Inc.'s Application for Registration of a Telecommunications Company.


Please note that Exhibit A, the Certificate of Authority from the Secretary of State, is not attached. We have applied for the certificate and will forward a copy to the commission upon receipt.

In order to expedite the processing of this application, I would like to suggest that all requests for information by the analyst be made by either telephone or facsimile. I will make every effort to respond on the day of the request.

I have also enclosed a check in the amount of \$250.00 payable to the "South Dakota Public Utilities Commission" for the filing fee, and an extra copy of this cover letter to be date stamped and returned to me in the enclosed self-addressed prepaid envelope.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me.

Respectfully submitted,


Lance J.M. Steinhart
Attorney for SBR, Inc.

Enclosures

cc: Bruce A. Rasmussen (w/enc)

TC97-161

RECEIVED

SEP 25 1997

APPLICATION FOR REGISTRATION
OF SBR, INC.
FILED WITH THE
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN THE MATTER OF THE)
APPLICATION OF)
SBR, INC.)
FOR AN ORDER) Docket No. _____
authorizing the registration)
of applicant as a)
telecommunications company)

APPLICATION

Application is hereby made to the South Dakota Public
Utilities Commission for an Order authorizing SBR, Inc.
("Applicant") to register as a telecommunications company within
the State of South Dakota. The following information is furnished
in support thereof:

1. Name, Address and Telephone Number of Applicant

SBR, Inc.
2116 Second Avenue South
Minneapolis, Minnesota 55404
(612) 829-1020

All inquiries regarding complaints and regulatory matters
should be addressed to:

Lance J.M. Steinhart, Esq.
6455 East Johns Crossing, Suite 285
Duluth, Georgia 30097
(770) 232-9200
(770) 232-9208 (Fax)

2. Registered Agent

The name and address of the Applicant's registered agent are:

National Registered Agents, Inc.
300 South Phillips Avenue, Ste. 300
Sioux Falls, SD 57102

3. Description of the Applicant

Applicant is a Minnesota Corporation whose date of organization was December 19, 1997. Its duration is perpetual. Applicant has applied for authority to transact business as a foreign corporation in the State of South Dakota and will file a copy of its Certificate of Authority as Exhibit A upon receipt. A copy of the Applicant's Articles of Incorporation is attached as Exhibit B hereto.

4. Facilities

Applicant does not own or maintain any transmission facilities or switching equipment in the State of South Dakota. The Applicant will provide services through AT&T and MCI, its underlying carriers.

5. Stockholders

The names and addresses of all 5% or greater stockholders of Applicant are as follows:

Name and Address	Shares Owned	Percentage of all Shares Issued and Outstanding and Voting Control
William L. Bruggeman, Sr. 2116 Second Ave. South Minneapolis, MN 55404	90	45%
Barbara J. Steen 2116 Second Ave. South Minneapolis, MN 55404	45	22.5%
Barbara J. Steen as custodian for David E. Steen, Jr. 2116 Second Ave. South Minneapolis, MN 55404	45	22.5%
Bruce A. Rasmussen 2116 Second Ave. South Minneapolis, MN 55404	20	10%

6. Officers and Directors

The name and address of the officers and directors of Applicant are as follows:

Officers

Bruce A. Rasmussen	CEO
Diane Erickson	CFO
Barbara J. Steen	COO

Directors

Bruce A. Rasmussen
David E. Steen, Sr.
William L. Bruggeman, Sr.

The above-named individuals can be reached at 2116 Second Ave. South, Minneapolis, MN 55404.

7. Corporate Ownership

The name and address of any corporation, association or similar organization holding a five percent (5%) or greater ownership in the Applicant is as follows:

None

8. Subsidiaries owned or controlled by Applicant

None

9. Description of Services

Applicant is a switchless reseller which intends to offer 1+ direct dialing, 800 toll free, and travel card (no prepaid calling cards) service through the resale of telephone services provided by facilities-based interexchange carriers. As a switchless reseller, Applicant has no points of presence in the State of South Dakota, thus Applicant neither owns, leases, nor operates any switching, transmission, or other physical facilities in the State of South Dakota, and no such facilities will be used by Applicant in providing service in the State of South Dakota. Rather, Applicant will be engaged in reselling services provided by facilities-based carriers within the State of South Dakota. Upon receiving certification, Applicant intends to provide services throughout the State of South Dakota.

Applicant intends to provide these services to customers on a jurisdictionally interstate basis subject to the FCC's jurisdiction and Applicant intends to provide these services on jurisdictionally intrastate basis pursuant to certification,

registration or tariff requirements, or on an unregulated basis, in all fifty states except Alaska, subject to the jurisdiction of various public service and utilities commissions. Applicant is currently in the process of obtaining all required authorizations from the FCC and the state regulatory agencies. Applicant is currently authorized to provide service in Colorado, Iowa, Florida, Michigan, Minnesota, Montana, New Jersey, Pennsylvania, Texas, Utah, Virginia and Wyoming.

Applicant intends to provide high quality service, with an industry standard blocking rate less than P.01. Its services will be available on a full-time basis, twenty-four hours a day, seven days a week, to customers within the geographic boundaries of the State of South Dakota.

10. Financial Qualifications

Applicant is financially qualified to provide intrastate interexchange telecommunications services within South Dakota. In particular, Applicant has adequate access to the capital necessary to fulfill any obligations it may undertake with respect to the provision of intrastate telecommunications services in the State of South Dakota. See Exhibit C which is attached hereto, Applicant's Balance Sheet as of September 23, 1997.

11. Tariff

A copy of Applicant's proposed tariff is attached as Exhibit D hereto.

WHEREFORE, the undersigned Applicant requests that the South Dakota Public Utilities Commission enter an order granting this application.

DATED this 23 day of Sept., 1997.

SBR, Inc.


By: 
Lance J.M. Steinhart, Its Counsel

6455 East Johns Crossing
Suite 285
Duluth, Georgia 30097
(770) 232-9200

STATE OF MINNESOTA

COUNTY OF KENNEPIN

Bruce A. Rasmussen, being first duly sworn, deposes and says that he is the CEO of SBR, Inc., the Applicant in the proceeding entitled above, that he has read the foregoing application and knows the contents thereof; that the same are true of his knowledge, except as to matters which are therein stated on information or belief, and to those matters he believes them to be true.

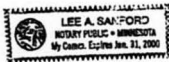

Bruce A. Rasmussen

Subscribed and sworn to before this 24th day of Sept, 1997.

1997.


Notary Public

My Commission expires: 1-31-2000



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LIST OF EXHIBITS

- A - CERTIFICATE OF AUTHORITY
- B - ARTICLES OF INCORPORATION
- C - FINANCIAL INFORMATION
- D - PROPOSED TARIFF

EXHIBIT A - CERTIFICATE OF AUTHORITY

EXHIBIT B - ARTICLES OF INCORPORATION

State of Minnesota

5541

SECRETARY OF STATE

CERTIFICATE OF INCORPORATION

I, Joan Anderson Grove, Secretary of State of Minnesota, do certify that: Articles of Incorporation, duly signed and acknowledged under oath, have been filed on this date in the Office of the Secretary of State, for the incorporation of the following corporation, under and in accordance with the provisions of the chapter of Minnesota Statutes listed below.

This corporation is now legally organized under the laws of Minnesota.

Corporate Name: SBR, Inc.

Corporate Charter Number: 9L-355

Chapter Formed Under: 302A

This certificate has been issued on 12/19/1996.



Joan Anderson Grove
Secretary of State

92-355

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ARTICLES OF INCORPORATION
OF
SBR, INC.

The undersigned individual, being of full age, for the purpose of forming a corporation under and pursuant to Chapter 302A of the Minnesota Statutes, as amended, hereby adopts the following Articles of Incorporation:

ARTICLE 1 - NAME

- 1.1) The name of the corporation shall be SBR, Inc.

ARTICLE 2 - REGISTERED OFFICE

- 2.1) The registered office of the corporation is located at 2116 Second Avenue South, Minneapolis, Minnesota 55404.

ARTICLE 3 - CAPITAL STOCK

3.1) Authorized Shares. The aggregate number of shares the corporation has the authority to issue shall be 10,000,000 common shares, which shall have a par value of \$.01 per share solely for the purpose of a statute or regulation imposing a tax or fee based upon the capitalization of the corporation.

3.2) Issuance of Shares. The Board of Directors of the corporation is authorized from time to time to accept subscriptions for, issue, sell and deliver shares of any class or series of the corporation to such persons, at such times and upon such terms and conditions as the Board shall determine, valuing all nonmonetary consideration and establishing a price in money or other consideration, or a minimum price, or a general formula or method by which the price will be determined.

3.3) Issuance of Rights to Purchase Shares. The Board of Directors is further authorized from time to time to grant and issue rights to subscribe for, purchase, exchange securities for, or convert securities into, shares of the corporation of any class or series, and to fix the terms, provisions and conditions of such rights, including the exchange or conversion basis or the price at which such shares may be purchased or subscribed for.

ARTICLE 4 - RIGHTS OF SHAREHOLDERS

4.1) No Preemptive Rights. No shares of any class or series of the corporation shall entitle the holders to any preemptive rights to subscribe for or purchase additional

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shares of that class or series or any other class or series of the corporation now or hereafter authorized or issued.

4.2) No Cumulative Voting Rights. There shall be no cumulative voting by the shareholders of the corporation.

ARTICLE 5 - DIRECTORS

5.1) Written Action by Directors. Any action required or permitted to be taken at a Board meeting may be taken by written action signed by all of the directors or, in cases where the action need not be approved by the shareholders, by written action signed by the number of directors that would be required to take the same action at a meeting of the Board at which all directors were present.

ARTICLE 6 - MERGER, EXCHANGE, SALE OF ASSETS AND DISSOLUTION

6.1) Where approval of shareholders is required by law, the affirmative vote of the holders of at least a majority of the voting power of all shares entitled to vote shall be required to authorize the corporation (i) to merge into or with one or more other corporations, (ii) to exchange its shares for shares of one or more other corporations, (iii) to sell, lease, transfer or otherwise dispose of all or substantially all of its property and assets, including its good will, or (iv) to commence voluntary dissolution.

ARTICLE 7 - AMENDMENT OF ARTICLES OF INCORPORATION

7.1) After the issuance of shares by the corporation, any provision contained in these Articles of Incorporation may be amended, altered, changed or repealed by the affirmative vote of the holders of at least a majority of the voting power of all shares entitled to vote or such greater percentage as may be otherwise prescribed by the laws of the State of Minnesota.

ARTICLE 8 - LIMITATION OF DIRECTOR LIABILITY

8.1) To the fullest extent permitted by Chapter 302A, Minnesota Statutes, as the same exists or may hereafter be amended, a director of this corporation shall not be personally liable to the corporation or its shareholders for monetary damages for breach of fiduciary duty as a director.

ARTICLE 9 - INCORPORATOR

- 9.1) The name and mailing address of the incorporator is as follows:

Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

IN WITNESS WHEREOF, the undersigned incorporator has hereunto set his hand
this 17th day of December, 1996.



Bruce A. Rasmussen, Incorporator

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 19 1996

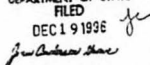

James Anderson
Secretary of State

EXHIBIT C - FINANCIAL INFORMATION

SBR, Inc.
Balance Sheet
As of September 23, 1997

09/23/97

	Sep 23, '97
ASSETS	
Current Assets	
Checking/Savings	
Checking-First Bank	37,712.96
Total Checking/Savings	37,712.96
Other Current Assets	
Note Receivable-PLN Comm	30,000.00
Organizational Costs	500.00
Subscription Receivable	250,000.00
Total Other Current Assets	280,500.00
Total Current Assets	318,212.96
TOTAL ASSETS	318,212.96
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	13,308.57
Accounts Payable	13,308.57
Total Accounts Payable	13,308.57
Total Current Liabilities	13,308.57
Long Term Liabilities	
Notes Payable-Bruggeman, Sr.	120,100.00
Notes Payable-Talpool	15,100.00
Total Long Term Liabilities	135,200.00
Total Liabilities	148,508.57
Equity	
Capital Stock	1,800.00
Opening Bal Equity	259,000.00
Net Income	-62,095.61
Total Equity	169,704.39
TOTAL LIABILITIES & EQUITY	318,212.96

EXHIBIT D - PROPOSED TARIFF

SBR, INC.

ORIGINAL SHEET 1

SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

TITLE SHEET

SOUTH DAKOTA TELECOMMUNICATIONS TARIFF

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service or facilities for Telecommunications Services furnished by SBR, Inc. ("SBR"), with principal offices at 2116 Second Avenue South, Minneapolis, Minnesota 55404. This tariff applies for services furnished within the State of South Dakota. This tariff is on file with the South Dakota Public Utilities Commission, and copies may be inspected, during normal business hours, at the company's principal place of business.

ISSUED: September 25, 1997

EFFECTIVE:

ISSUED BY:

Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

SBR, INC.

ORIGINAL SHEET 2

SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

CONCURRING, CONNECTING OR

OTHER PARTICIPATING CARRIERS AND

BILLING AGENTS

1. Concurring Carriers - None
2. Connecting Carriers - None
3. Other Participating Carriers - None
4. Billing Agents - None

ISSUED: September 25, 1997

EFFECTIVE:

ISSUED BY:

Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

SBR, INC.

ORIGINAL SHEET 3

SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

CHECK SHEET

Sheets 1 through 27 inclusive of this tariff are effective as of the date shown at the bottom of the respective sheet(s). Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date on the bottom of this sheet.

<u>SHEET</u>	<u>REVISION</u>
1	Original
2	Original
3	Original
4	Original
5	Original
6	Original
7	Original
8	Original
9	Original
10	Original
11	Original
12	Original
13	Original
14	Original
15	Original
16	Original
17	Original
18	Original
19	Original
20	Original
21	Original
22	Original
23	Original
24	Original
25	Original
26	Original
27	Original

* New or Revised Sheet

ISSUED: September 25, 1997

EFFECTIVE:

ISSUED BY:

Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

TELECOMMUNICATIONS SERVICES TARIFFTABLE OF CONTENTS

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ISSUED: September 25, 1997

EFFECTIVE:

ISSUED BY:

Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

SBR, INC.

ORIGINAL SHEET 5
SOUTH DAKOTA PUC TARIFF NO. 1
TELECOMMUNICATIONS SERVICES TARIFF

TARIFF FORMAT

A. Sheet Numbering: Sheet numbers appear in the upper right corner of the page. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between pages 11 and 12 would be page 11.1.

B. Sheet Revision Numbers: Revision numbers also appear in the upper right corner of each sheet where applicable. These numbers are used to indicate the most current page version on file with the Commission. For example, 4th Revised Sheet 13 cancels 3rd Revised Sheet 13. Consult the Check Sheet for the sheets currently in effect.

C. Paragraph Numbering Sequence: There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:

- 2.
- 2.1
- 2.1.1
- 2.1.1.A
- 2.1.1.A.1
- 2.1.1.A.1.(a)
- 2.1.1.A.1.(a).I
- 2.1.1.A.1.(a).I.(i)
- 2.1.1.A.1.(a).I.(i).(1)

D. Check Sheets: When a tariff filing is made with the Commission, an updated Check Sheet accompanies the tariff filing. The Check Sheet lists the sheets contained in the tariff, with a cross reference to the current Revision Number. When new sheets are added, the Check Sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk (*). There will be no other symbols used on this sheet if these are the only changes made to it (i.e., the format, etc. remains the same, just revised revision levels on some sheets). The tariff user should refer to the latest Check Sheet to find out if a particular sheet is the most current on Commission file.

ISSUED: September 25, 1997

EFFECTIVE:

ISSUED BY:

Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

420 344 4410
SBR, INC.

ORIGINAL SHEET 6
SOUTH DAKOTA PUC TARIFF NO. 1
TELECOMMUNICATIONS SERVICES TARIFF

SYMBOLS

The following are the only symbols used for the purposes indicated below:

- (C) to signify change in regulation
- (D) to signify a deletion
- (I) to signify a rate increase
- (L) to signify material relocated in the tariff
- (N) to signify a new rate or regulation
- (R) to signify a rate reduction
- (T) to signify a change in text, but no change in rate or regulation

ISSUED: September 25, 1997

EFFECTIVE:

ISSUED BY:

Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

SBR, INC.

ORIGINAL SHEET 7
SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

Access Line - An arrangement from a local exchange telephone company or other common carrier, using either dedicated or switched access, which connects a Customer's location to SBR's location or switching center.

Authorization Code - A numerical code, one or more of which may be assigned to a Customer, to enable SBR to identify the origin of the Customer so it may rate and bill the call. Automatic number identification (ANI) is used as the authorization code wherever possible.

Commission - Used throughout this tariff to mean the South Dakota Public Utilities Commission.

Customer - The person, firm, corporation or other legal entity which orders the services of SBR and is responsible for the payment of charges and for compliance with the Company's tariff regulations.

Company or SBR - Used throughout this tariff to mean SBR, Inc., a Minnesota Corporation.

Holiday - New Year's Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Holidays shall billed at the evening rate from 8 a.m. to 11 p.m. After 11 p.m., the lower night rate shall go into effect.

ISSUED: September 25, 1997

ISSUED BY:

Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

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SBR, INC.

ORIGINAL SHEET 8
SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

Telecommunications - The transmission of voice communications or, subject to the transmission capabilities of the services, the transmission of data, facsimile, signaling, metering, or other similar communications.

Underlying Carrier - The telecommunications carrier whose network facilities provide the technical capability and capacity necessary for the transmission and reception of Customer telecommunications traffic.

ISSUED: September 25, 1997

ISSUED BY:

Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

EFFECTIVE:

TELECOMMUNICATIONS SERVICES TARIFFSECTION 2 - RULES AND REGULATIONS2.1 Undertaking of the Company

This tariff contains the regulations and rates applicable to intrastate resale telecommunications services provided by SBR for telecommunications between points within the State of South Dakota. Resale services are furnished subject to the availability of facilities and subject to the terms and conditions of this tariff in compliance with limitations set forth in the Commission's rules. The Company's services are provided on a statewide basis and are not intended to be limited geographically. The Company offers service to all those who desire to purchase service from the Company consistent with all of the provisions of this tariff. Customers interested in the Company's services shall file a service application with the Company which fully identifies the Customer, the services requested and other information requested by the Company. The Company reserves the right to examine the credit record and check the references of all applicants and Customers. The Company may examine the credit profile/record of any applicant prior to accepting the service order. The service application shall not in itself obligate the Company to provide services or to continue to provide service if a later check of applicant's credit record is, in the opinion of the Company, contrary to the best interest of the Company. The Company may act as the Customer's agent for ordering access connection facilities provided by other carriers or entities when authorized by the Customer, to allow connection of a Customer's location to a service provided by the Company. The Customer shall be responsible for all charges due for such service arrangement. The Company does not own any switching, transmission or other physical facilities in South Dakota.

ISSUED: September 25, 1997

EFFECTIVE:

ISSUED BY:

Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

TELECOMMUNICATIONS SERVICES TARIFF

- 2.1.1 The services provided by SBR are not part of a joint undertaking with any other entity providing telecommunications channels, facilities, or services, but may involve the resale of the Message Toll Services (MTS) and Wide Area Telecommunications Services (WATS) of underlying common carriers subject to the jurisdiction of this Commission.
- 2.1.2 The rates and regulations contained in this tariff apply only to the resale services furnished by SBR and do not apply, unless otherwise specified, to the lines, facilities, or services provided by a local exchange telephone company or other common carriers for use in accessing the services of SBR.
- 2.1.3 The Company reserves the right to limit the length of communications, to discontinue furnishing services, or limit the use of service necessitated by conditions beyond its control, including, without limitation: lack of satellite or other transmission medium capacity; the revision, alteration or repricing of the Underlying Carrier's tariffed offerings; or when the use of service becomes or is in violation of the law or the provisions of this tariff.

2.2 Use of Services

- 2.2.1 SBR's services may be used for any lawful purpose consistent with the transmission and switching parameters of the telecommunications facilities utilized in the provision of services, subject to any limitations set forth in this Section 2.2.
- 2.2.2 The use of SBR's services to make calls which might reasonably be expected to frighten, abuse, torment, or harass another or in such a way as to unreasonably interfere with use by others is prohibited.

ISSUED: September 25, 1997

EFFECTIVE:

ISSUED BY:

Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

SBR, INC.

ORIGINAL SHEET 11
SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

- 2.2.3 The use of SBR's services without payment for service or attempting to avoid payment for service by fraudulent means or devices, schemes, false or invalid numbers, or false calling or credit cards is prohibited.
- 2.2.4 SBR's services are available for use twenty-four hours per day, seven days per week.
- 2.2.5 SBR does not transmit messages, but the services may be used for that purpose.
- 2.2.6 SBR's services may be denied for nonpayment of charges or for other violations of this tariff.
- 2.2.7 Customers shall not use the service provided under this tariff for any unlawful purpose.
- 2.2.8 The Customer is responsible for notifying the Company immediately of any unauthorized use of services.

2.3 Liability of the Company

- 2.3.1 The Company shall not be liable for any claim, loss, expense or damage for any interruption, delay, error, omission, or defect in any service, facility or transmission provided under this tariff, if caused by the Underlying Carrier, an act of God, fire, war, civil disturbance, act of government, or due to any other causes beyond the Company's control.
- 2.3.2 The Company shall not be liable for, and shall be fully indemnified and held harmless by the Customer against any claim, loss, expense, or damage for defamation, libel, slander, invasion, infringement of copyright or patent, unauthorized use of any trademark, trade name or service mark, proprietary or creative right, or any other injury to any person, property or entity arising out of the material, data or information transmitted.

ISSUED: September 25, 1997

ISSUED BY:

Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

EFFECTIVE:

SBR, INC.

ORIGINAL SHEET 12

SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

- 2.3.3 No agent or employee of any other carrier or entity shall be deemed to be an agent or employee of the Company.
- 2.3.4 The Company's liability for damages, resulting in whole or in part from or arising in connection with the furnishing of service under this tariff, including but not limited to mistakes, omissions, interruptions, delays, errors, or other defects or misrepresentations shall not exceed an amount equal to the charges provided for under this tariff for the long distance call for the period during which the call was affected. No other liability in any event shall attach to the Company.
- 2.3.5 The Company shall not be liable for and shall be indemnified and saved harmless by any Customer or by any other entity from any and all loss, claims, demands, suits, or other action or any liability whatsoever, whether suffered, made, instituted, or asserted by any Customer or any other entity for any personal injury to, or death of, any person or persons, and for any loss, damage, defacement or destruction of the premises of any Customer or any other entity or any other property whether owned or controlled by the Customer or others.
- 2.3.6 The Company shall not be liable for any indirect, special, incidental, or consequential damages under this tariff including, but not limited to, loss of revenue or profits, for any reason whatsoever, including the breakdown of facilities associated with the service, or for any mistakes, omissions, delays, errors, or defects in transmission occurring during the course of furnishing service.

ISSUED: September 25, 1997

EFFECTIVE:

ISSUED BY:

Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

TELECOMMUNICATIONS SERVICES TARIFF

- 2.3.7 The remedies set forth herein are exclusive and in lieu of all other warranties and remedies, whether express, implied, or statutory, INCLUDING WITHOUT LIMITATION IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

2.4 Responsibilities of the Customer

- 2.4.1 The Customer is responsible for placing any necessary orders and complying with tariff regulations. The Customer is also responsible for the payment of charges for services provided under this tariff.
- 2.4.2 The Customer is responsible for charges incurred for special construction and/or special facilities which the Customer requests and which are ordered by SBR on the Customer's behalf.
- 2.4.3 If required for the provision of SBR's services, the Customer must provide any equipment space, supporting structure, conduit and electrical power without charge to SBR.
- 2.4.4 The Customer is responsible for arranging access to its premises at times mutually agreeable to SBR and the Customer when required for SBR personnel to install, repair, maintain, program, inspect or remove equipment associated with the provision of SBR's services.
- 2.4.5 The Customer shall cause the temperature and relative humidity in the equipment space provided by Customer for the installation of SBR's equipment to be maintained within the range normally provided for the operation of microcomputers.

ISSUED: September 25, 1997

EFFECTIVE:

ISSUED BY:

Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

SBR, INC.

ORIGINAL SHEET 14

SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

- 2.4.6 The Customer shall ensure that the equipment and/or system is properly interfaced with SBR's facilities or services, that the signals emitted into SBR's network are of the proper mode, bandwidth, power and signal level for the intended use of the subscriber and in compliance with criteria set forth in this tariff, and that the signals do not damage equipment, injure personnel, or degrade service to other Customers. If the Federal Communications Commission or some other appropriate certifying body certifies terminal equipment as being technically acceptable for direct electrical connection with interstate communications service, SBR will permit such equipment to be connected with its channels without the use of protective interface devices. If the Customer fails to maintain the equipment and/or the system properly, with resulting imminent harm to SBR equipment, personnel or the quality of service to other Customers, SBR may, upon written notice, require the use of protective equipment at the Customer's expense. If this fails to produce satisfactory quality and safety, SBR may, upon written notice, terminate the Customer's service.
- 2.4.7 The Customer must pay SBR for replacement or repair of damage to the equipment or facilities of SBR caused by negligence or willful act of the Customer or others, by improper use of the services, or by use of equipment provided by Customer or others.
- 2.4.8 The Customer must pay for the loss through theft of any SBR equipment installed at Customer's premises.
- 2.4.9 If SBR installs equipment at Customer's premises, the Customer shall be responsible for payment of any applicable installation charge.

ISSUED: September 25, 1997

EFFECTIVE:

ISSUED BY:

Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

TELECOMMUNICATIONS SERVICES TARIFF

- 2.4.10 The Customer must use the services offered in this tariff in a manner consistent with the terms of this tariff and the policies and regulations of all state, federal and local authorities having jurisdiction over the service.

2.5 Cancellation or Interruption of Services

- 2.5.1 Without incurring liability, upon five (5) working days' (defined as any day on which the company's business office is open and the U.S. Mail is delivered) written notice to the Customer, SBR may immediately discontinue services to a Customer or may withhold the provision of ordered or contracted services:
- 2.5.1.A For nonpayment of any sum due SBR for more than thirty (30) days after issuance of the bill for the amount due,
- 2.5.1.B For violation of any of the provisions of this tariff,
- 2.5.1.C For violation of any law, rule, regulation, policy of any governing authority having jurisdiction over SBR's services, or
- 2.5.1.D By reason of any order or decision of a court, public service commission or federal regulatory body or other governing authority prohibiting SBR from furnishing its services.

ISSUED: September 25, 1997

EFFECTIVE:

ISSUED BY:

Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

SBR, INC.

ORIGINAL SHEET 16
SOUTH DAKOTA PUC TARIFF NO. 1
TELECOMMUNICATIONS SERVICES TARIFF

- 2.5.2 Without incurring liability, SBR may interrupt the provision of services at any time in order to perform tests and inspections to assure compliance with tariff regulations and the proper installation and operation of Customer and SBR's equipment and facilities and may continue such interruption until any items of noncompliance or improper equipment operation so identified are rectified.
- 2.5.3 Service may be discontinued by SBR without notice to the Customer, by blocking traffic to certain countries, cities or NXX exchanges, or by blocking calls using certain Customer authorization codes, when SBR deems it necessary to take such action to prevent unlawful use of its service. SBR will restore service as soon as it can be provided without undue risk, and will, upon request by the Customer affected, assign a new authorization code to replace the one that has been deactivated.
- 2.5.4 The Customer may terminate service upon thirty (30) days written notice for the Company's standard month to month contract. Customer will be liable for all usage on any of the Company's service offerings until the Customer actually leaves the service. Customers will continue to have Company usage until the Customer notifies its local exchange carrier and changes its long distance carrier. Until the Customer so notifies its local exchange carrier, it shall continue to generate and be responsible for long distance usage.

ISSUED: September 25, 1997

EFFECTIVE:

ISSUED BY:

Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

TELECOMMUNICATIONS SERVICES TARIFF2.6 Credit Allowance

- 2.6.1 Credit allowance for the interruption of service which is not due to the Company's testing or adjusting, negligence of the Customer, or to the failure of channels or equipment provided by the Customer, are subject to the general liability provisions set forth in 2.3 herein. It shall be the obligation of the Customer to notify the Company immediately of any interruption in service for which a credit allowance is desired. Before giving such notice, the Customer shall ascertain that the trouble is not being caused by any action or omission by the Customer within his control, or is not in wiring or equipment, if any, furnished by the Customer and connected to the Company's facilities.
- 2.6.2 No credit is allowed in the event that service must be interrupted in order to provide routine service quality or related investigations.
- 2.6.3 Credit for failure of service shall be allowed only when such failure is caused by or occurs due to causes within the control of the Company or in the event that the Company is entitled to a credit for the failure of the facilities of the Company's Underlying Carrier used to furnish service.
- 2.6.4 Credit for interruption shall commence after the Customer notifies the Company of the interruption or when the Company becomes aware thereof, and ceases when service has been restored.
- 2.6.5 For purposes of credit computation, every month shall be considered to have 720 hours.

ISSUED: September 25, 1997

EFFECTIVE:

ISSUED BY:

Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

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SBR, INC.

ORIGINAL SHEET 18
SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

- 2.6.6 No credit shall be allowed for an interruption of a continuous duration of less than two hours.
- 2.6.7 The Customer shall be credited for an interruption of two hours or more at the rate of 1/720th of the monthly charge for the facilities affected for each hour or major fraction thereof that the interruption continues.

Credit Formula:

$$\text{Credit} = \frac{A}{720} \times B$$

"A" - outage time in hours

"B" - monthly charge for affected activity

2.7 Restoration of Service

The use and restoration of service shall be in accordance with the priority system specified in part 64, Subpart D of the Rules and Regulations of the Federal Communications Commission.

2.8 Deposit

The Company does not require deposits to commence service.

2.9 Advance Payments

SBR does not require advance payments.

ISSUED: September 25, 1997

ISSUED BY:

Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

EFFECTIVE:

TELECOMMUNICATIONS SERVICES TARIFF2.10 Payment and Billing

- 2.10.1 Service is provided and billed on a billing cycle basis, beginning on the date that service becomes effective. Billing is payable upon receipt. A late fee will be assessed on unpaid amounts 30 days after rendition of bills.
- 2.10.2 The customer is responsible for payment of all charges for services furnished to the Customer, as well as to all persons using the Customer's codes, exchange lines, facilities, or equipment, with or without the knowledge or consent of the Customer. The security of the Customer's Authorization Codes, subscribed exchange lines, and direct connect facilities is the responsibility of the Customer. All calls placed using direct connect facilities, subscribed exchange lines, or Authorization Codes will be billed to and must be paid by the Customer. Recurring charges and non-recurring charges are billed in advance. Charges based on actual usage during a month and any accrued interest will be billed monthly in arrears.
- 2.10.3 All bills are presumed accurate, and shall be binding on the customer unless objection is received by the Company in writing within 30 days after such bills are rendered. No credits, refunds, or adjustments shall be granted if demand therefore is not received by the Company in writing within such 30 day period.

ISSUED: September 25, 1997

EFFECTIVE:

ISSUED BY:

Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

2.11 Collection Costs

In the event Company is required to initiate legal proceedings to collect any amounts due to Company for regulated or non-regulated services, equipment or facilities, or to enforce any judgment obtained against a Customer, or for the enforcement of any other provision of this tariff or applicable law, Customer shall, in addition to all amounts due, be liable to Company for all reasonable costs incurred by Company in such proceedings and enforcement actions, including reasonable attorneys' fees, collection agency fees or payments, and court costs. In any such proceeding, the amount of collection costs, including attorneys' fees, due to the Company, will be determined by the court.

2.12 Taxes

All federal, state and local taxes, assessments, surcharges, or fees, including sales taxes, use taxes, gross receipts taxes, and municipal utilities taxes, are billed as separate line items and are not included in the rates quoted herein.

2.13 Late Charge

A late fee of 1.5% per month or the amount otherwise authorized by law, whichever is lower, will be charged on any past due balances.

2.14 Returned Check Charge

A fee of \$20.00 will be charged whenever a check or draft presented for payment for service is not accepted by the institution on which it is written.

ISSUED: September 25, 1997

ISSUED BY: Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

EFFECTIVE:

TELECOMMUNICATIONS SERVICES TARIFFSECTION 3 - DESCRIPTION OF SERVICE3.1 Computation of Charges

3.1.1 The total charge for each completed call may be a variable measured charge dependent on the duration, distance and time of day of the call. The total charge for each completed call may also be dependent only on the duration of the call, i.e. a statewide flat rate per minute charge. The variable measured charge is specified as a rate per minute which is applied to each minute. All calls are measured in one minute increments. All calls are rounded up to the next whole increment.

3.1.2 Where mileage bands appear in a rate table, rates for all calls are based upon the airline distance between the originating and terminating points of the call, as determined by the vertical and horizontal coordinates associated with the exchange (the area code and three digit central office code) associated with the originating and terminating telephone numbers. If the Customer obtains access to the Company's network by a dedicated access circuit, that circuit will be assigned an exchange for rating purposes based upon the Customer's main telephone number at the location where the dedicated access circuit terminates. The vertical and horizontal (V & H) coordinates for each exchange and the airline distance between them will be determined according to industry standards.

ISSUED: September 25, 1997

EFFECTIVE:

ISSUED BY: Bruce A. Rasmussen
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Minneapolis, Minnesota 55404

TELECOMMUNICATIONS SERVICES TARIFF

- 3.1.3 Timing begins when the called station is answered and two way communication is possible, as determined by standard industry methods generally in use for ascertaining answer, including hardware answer supervision in which the local telephone company sends a signal to the switch or the software utilizing audio tone detection. Recognition of answer supervision is the responsibility of the Underlying Carrier. Timing for each call ends when either party hangs up. SBR will not bill for uncompleted calls.

3.2 Customer Complaints and/or Billing Disputes

Customer inquiries or complaints regarding service or accounting may be made in writing or by telephone to the Company at:

2116 Second Avenue South
Minneapolis, Minnesota 55404
(800) 317-4509

Any objection to billed charges should be reported promptly to SBR. Adjustments to Customers' bills shall be made to the extent that records are available and/or circumstances exist which reasonably indicate that such charges are not in accordance with approved rates or that an adjustment may otherwise be appropriate. Where overbilling of a subscriber occurs, due either to Company or subscriber error, no liability exists which will require the Company to pay any interest, dividend or other compensation on the amount overbilled.

ISSUED: September 25, 1997

EFFECTIVE:

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Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

TELECOMMUNICATIONS SERVICES TARIFF

The Company will respond within seventy two (72) hours of receipt of an inquiry. If the Customer is dissatisfied with the Company's response to a complaint or inquiry, the Customer may file the Commission for resolution of the conflict. The South Dakota Public Utilities Commission can be reached at:

500 East Capitol
Pierre, SD 57501-5070
(605) 773-3201
(800) 332-1782

If a Customer accumulates more than One Hundred Dollars (\$100.00) of undisputed delinquent SBR 800 Service charges, the SBR Resp. Org. reserves the right not to honor that Customer's request for a Resp. Org. change until such undisputed charges are paid in full.

3.3 Level of Service

A Customer can expect end to end network availability of not less than 99% at all times for all services.

3.4 Billing Entity Conditions

When billing functions on behalf of SBR or its intermediary are performed by local exchange telephone companies or others, the payment of charge conditions and regulations of such companies and any regulations imposed upon these companies by regulatory bodies having jurisdiction apply. SBR's name and toll-free telephone number will appear on the Customer's bill.

ISSUED: September 25, 1997

ISSUED BY:

Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

EFFECTIVE:

TELECOMMUNICATIONS SERVICES TARIFF**3.5 Service Offerings****3.5.1 1+ Dialing**

The customer utilizes "1+" dialing, or "10XXX" dialing followed by "1 + ten digits" for interLATA calls, or dials "10XXX" followed by "1 + 7 digits" or "1 + 10 digits" for intraLATA calls.

3.5.2 Travel Cards.

The Customer utilizes an 11 digit "800" access number established by SBR to access a terminal. Upon receiving a voice prompt, the Customer uses push button dialing to enter an identification code assigned by the Company, followed by the ten digit number of the called party.

3.5.3 800 Service (Toll free).

This service is inbound calling only where an 800 or 888 number rings into a Customer's premise routed to a specific telephone number or terminated over a dedicated facility.

3.5.4 Local Calls and Directory Assistance.

Local calls will not be accepted or completed. SBR does not provide local directory assistance. Access to long distance directory assistance is obtained by dialing 1 + 555-1212 for listings within the originating area code and 1 + (area code) + 555-1212 for other listings. When more than one number is requested in a single call, a charge may apply for each number requested. A charge will be applicable for each number requested, whether or not the number is listed or published.

ISSUED: September 25, 1997**ISSUED BY:****Bruce A. Rasmussen****2116 Second Avenue South
Minneapolis, Minnesota 55404****EFFECTIVE:**

3.5.5 Specialized Pricing Arrangements.

Customized service packages and competitive pricing packages at negotiated rates may be furnished on a case-by-case basis in response to requests by Customers to the Company for proposals or for competitive bids. Service offered under this tariff provision will be filed with the Commission. Specialized rates or charges will be made available to similarly situated Customers on a non-discriminatory basis.

3.5.6 Emergency Call Handling Procedures

Emergency "911" calls are not routed to company, but are completed through the local network at no charge.

3.5.7 Promotional Offerings

The Company may, from time to time, make promotional offerings to enhance the marketing of its services. These offerings may be limited to certain dates, times and locations. The Company will notify the Commission of such offerings as required by Commission rules and regulations.

ISSUED: September 25, 1997

EFFECTIVE:

ISSUED BY:

Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

SBR, INC.

ORIGINAL SHEET 26

SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

SECTION 4 - RATES

The Company offers three calling plans: The Good Deeds Network, the NRA Network and the Blue Cap Network. The rates for all calling plans are the same unless indicated below.

4.1 1+ Dialing

\$0.193 per minute

4.2 Travel Cards

\$0.19 per minute

4.3 800 Service (Toll Free)

\$0.15 per minute

ISSUED: September 25, 1997

ISSUED BY:

Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

EFFECTIVE:

SBR, INC.

ORIGINAL SHEET 27
SOUTH DAKOTA PUC TARIFF NO. 1
TELECOMMUNICATIONS SERVICES TARIFF

4.4 Directory Assistance

\$.95

4.5 Returned Check Charge

\$20.00

4.6 Rate Periods

	Monday - Friday	Sat.	Sun.
8 a.m. to 5 p.m.*	Daytime Rate Period		Evening Rate Period
5 p.m. to 11 p.m.*	Evening Rate Period		
11 p.m. to 8 a.m.*	Night/Weekend Rate Period		

* To, but not including

When a message spans more than one rate period, total charges for the minutes in each rate period are calculated and the results for each rate period are totaled to obtain the total message charge. If the calculation results in a fractional charge, the amount will be rounded down to the lower cent.

ISSUED: September 25, 1997

EFFECTIVE:

ISSUED BY: Bruce A. Rasmussen
2116 Second Avenue South
Minneapolis, Minnesota 55404

64-004-44-5

NEXT

DOCUMENT (S)

DISREGARD

BACKGROUND

SBR, INC.
2116 - 2ND AVE. S.
MINNEAPOLIS, MN 55404-2606

1065

DATE 9/17/97

17-2400
97

PAY
TO THE
ORDER OF South Dakota Public Utilities Commission

\$ 250.00

Two Hundred Fifty and no/100ths

DOLLARS



First Bank

Minneapolis, Minnesota 55402
FirstLink 24-Hour Banking 812.244.4848

FOR

⑈00⑆065⑈⑆⑆09⑆000022⑆⑆73⑆02⑆⑆3550⑆⑈

South Dakota
Public Utilities Commission
State Capitol 500 E. Capitol
Pierre, SD 57501-5070
Phone: (800) 332-1782
Fax: (605) 773-3809

TELECOMMUNICATIONS SERVICE FILINGS

These are the telecommunications service filings that the Commission has received for the period of:

09/19/97 through 09/25/97

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five days of this filing.

DOCKET NUMBER	TITLE/STAFF/SYNOPSIS	DATE FILED	INTERVENTION DEADLINE
REQUEST FOR CERTIFICATE OF AUTHORITY			
TC97-160	Application by Sterling International Funding, Inc. d/b/a Reconnex for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/KC) "Petitioner, Sterling International Funding, d/b/a Reconnex" is affiliated with Ameritel Corporation, a residential dial tone service provider which has been operating since 1992. As the leader in the prepaid dial tone industry, Applicant and its affiliate, have provided high quality local exchange service to thousands of customers. Reconnex is an alternative telephone company primarily furnishing prepaid local dial tone service to individuals who have had their telephone disconnected, have voluntarily left their local exchange provider, or for money management reasons prefer to address their local calling needs in a prepaid fashion at a set fee, which represents their bottom line cost. Applicant proposes to offer service in the area and exchanges currently being served by the existing incumbent local exchange carrier, U S WEST."	09/24/97	10/10/97
TC97-161	Application by SBR, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/CH) "Applicant is a switchless reseller which intends to offer 1+ direct dialing, 800 toll free, and travel card (no prepaid calling cards) service through the resale of telephone services provided by facilities-based interexchange carriers."	09/25/97	10/10/97
SALE OF JEFFERSON TELEPHONE CO. STOCK			
TC97-159	Jefferson Telephone Co. (Jefferson) and Jefferson Communications, LLC jointly apply to the Commission for approval of the sale of the Jefferson stock to Jefferson Communications. Jefferson would continue to operate and provide local telephone service under its existing Certificate of Authority after the stock sale. The sale is scheduled to close by December 31, 1997. FCC approval is not required. Therefore, the applicants respectfully request expedited treatment of this matter by the Commission to permit closing by that date. (Staff: DJ/CH)	09/23/97	10/10/97

Important Notice: The Commission is compiling a list of Internet addresses. If you have an Internet address please notify the Commission by E-mailing it to Terry Norum at: terryn@pub.state.sd.us Facing the address to the Commission at: 605-773-3809

TC97-161

State of South Dakota



RECEIVED

OCT 27 1997

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

OFFICE OF THE SECRETARY OF STATE

CERTIFICATE OF AUTHORITY

I, JOYCE HAZELTINE, Secretary of State of the State of South Dakota, hereby certify that duplicate of the Application for a Certificate of Authority of SBR, INC. (MN) to transact business in this state duly signed and verified pursuant to the provisions of the South Dakota Corporation Acts, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I hereby issue this Certificate of Authority and attach hereto a duplicate of the application to transact business in this state under the name of SBR, INC.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of South Dakota, at Pierre, the Capital, this October 1, 1997.

Joyce Hazeltine
JOYCE HAZELTINE
Secretary of State

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
SBR, INC. FOR A CERTIFICATE OF)	CERTIFICATE OF
AUTHORITY TO PROVIDE)	AUTHORITY
TELECOMMUNICATIONS SERVICES IN)	
SOUTH DAKOTA)	TC97-161

On September 25, 1997, the Public Utilities Commission (Commission), in accordance with SDCL 49-31-3 and ARSD 20:10:24:02, received an application for a certificate of authority from SBR, Inc. (SBR).

SBR is a switchless reseller which intends to offer 1+ direct dialing, 800 toll free, and travel card but no prepaid calling cards service through the resale of telephone services provided by facilities-based interexchange carriers. A proposed tariff was filed by SBR. The Commission has classified long distance service as fully competitive.

On September 25, 1997, the Commission electronically transmitted notice of the filing and the intervention deadline of October 10, 1997, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled November 18, 1997, meeting, the Commission considered SBR's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to the condition that SBR not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission.

The Commission finds that it has jurisdiction over this matter pursuant to Chapter 49-31, specifically 49-31-3 and ARSD 20:10:24:02 and 20:10:24:03. The Commission finds that SBR has met the legal requirements established for the granting of a certificate of authority. SBR has, in accordance with SDCL 49-31-3, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota. The Commission approves SBR's application for a certificate of authority, subject to the condition that SBR not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission. As the Commission's final decision in this matter, it is therefore

ORDERED, that SBR's application for a certificate of authority is hereby granted, subject to the condition that SBR not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission. It is

FURTHER ORDERED, that SBR shall file informational copies of tariff changes with the Commission as the changes occur.

Dated at Pierre, South Dakota, this 1st day of December, 1997.

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 first class mail, in properly addressed envelopes, with charges prepaid thereon.

By Aldene Kelbo

Date 12/3/97

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

CERTIFICATE OF AUTHORITY

To Conduct Business As A Telecommunications Company
Within The State Of South Dakota

Authority was Granted November 18, 1997
Docket No. TC97-161

This is to certify that

SBR, INC.

is authorized to provide telecommunications services in South Dakota.

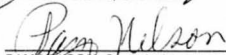
This certificate is issued in accordance with SDCL 49-31-3 and ARSD 20.10.24.02, and is subject to all of the conditions and limitations contained in the rules and statutes governing its conduct of offering telecommunications services.

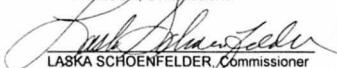
Dated at Pierre, South Dakota, this 1st day of December, 1997.

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION:**




JAMES A. BURG, Chairman


PAM NELSON, Commissioner


LASKA SCHOENFELDER, Commissioner