

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

IN THE MATTER OF TELECOM USA D/B/A TELECONNECT COMPANY'S FAILURE TO SUBMIT A REPORT AND PAY THE GROSS RECEIPTS TAX)))))	ORDER FOR AND NOTICE OF SHOW CAUSE HEARING TC97-209
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SDCL 49-1A-1 establishes the South Dakota Public Utilities Commission (Commission) Gross Receipts Tax Fund. This fund is financed by assessing a tax of .0015 or \$250, whichever is greater, on the annual intrastate gross receipts received by a utility from the company's customers within the State of South Dakota, and requires that all telecommunications companies submit on June 1, each year, a report of the amount of such gross receipts received during the preceding calendar year and pay the tax. A penalty of 10% of the tax is imposed for each month of delinquency.

Despite reminder letters from the Commission on May 9, 1997, and on June 12, 1997, Telecom USA d/b/a Teleconnect Company has failed to file the required report and pay the gross receipts tax.

Pursuant to SDCL 49-1A-6, the Commission may collect this debt by distress and sale of any personal property of the company within South Dakota. Further, the Commission has the authority, under SDCL 49-31-3, to suspend or revoke the certificate of authority granted to the company; assess a civil fine against the company from \$200 to \$1,000 under SDCL 49-31-38; proceed under SDCL 49-31-38.2 or 49-31-38.3 to stop the company from transacting any future business in South Dakota; or take any other enforcement actions against the company allowed by law.

Telecom USA d/b/a Teleconnect Company shall appear on February 3, 1998, at 1:30 P.M. (CDT) in Room 430, State Capitol Building, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A. The hearing is being held pursuant to the Commission's jurisdiction over telecommunications companies found at SDCL Chapter 1-26, 49-1A, and 49-31, specifically, 49-1-11(4), 49-1A-3, 49-1A-4, 49-1A-5, 49-1A-6, 49-31-3, and ARSD 20:10:01.45.

The issue at the hearing is whether the Commission shall suspend or revoke Telecom USA d/b/a Teleconnect Company's Certificate of Authority or otherwise institute collection proceedings against Telecom USA d/b/a Teleconnect Company for failure to pay gross receipts tax.

At the hearing representatives of the company may appear in person and may be represented by legal counsel or legal assistant (paralegal) if desired. The hearing shall be an adversary proceeding and the company shall have the burden of proving that none of the above enumerated adverse actions should be taken against it. These and other due

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process rights shall be deemed waived if not exercised at the hearing. The decision of the Commission may be appealed to the Circuit Court and the State Supreme Court as provided by law. It is therefore

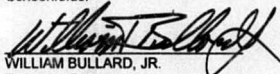
ORDERED, that a show cause hearing in the matter of Telecom USA d/b/a Teleconnect Company shall be held on February 3, 1998, at 1:30 P.M. (CDT) (or as soon thereafter as the parties can be heard) in Room 430, State Capitol Building, Pierre, South Dakota. And it is

FURTHER ORDERED, that, in the event Telecom USA d/b/a Teleconnect Company shall file an appropriate report and pay the delinquent gross receipts tax, including the 10% penalty for the months of June, July, August, September, October, November, and December, the hearing and actions mentioned herein shall not be held or taken, otherwise this order shall remain in effect.

Dated at Pierre, South Dakota, this 30th 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 facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By	<u>Melanie Kelle</u>
Date	<u>12/30/97</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:
Commissioners Burg, Nelson and
Schoenfelder


WILLIAM BULLARD, JR.
Executive Director

U. S. N. 04-8

DOCUMENT (S)

RECEIVED

TAPED TOGETHER

NOT AN

OVERLAP

TC97-209 P 464 617 783

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

U.S.G.P.O. 1985-244-555

PS Form 3800, June 1985

To: Patrick Chow Western USA by Telecomm Co	
Street and P.O. Box: 291 Spear Street 0349606	
Post Office ZIP Code: San Francisco, CA 94105	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom Date and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

SENDER:

- *Complete items 1 and/or 2 for additional services.
- *Complete items 3, 4a, and 4b.
- *Print your name and address on the reverse of this form so that we can return this card to you.
- *Attach this form to the front of the multiple, or on the back if space does not permit.
- *Write "Return Receipt Requester" on the multiple below the article number.
- *This Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:
Patrick Chow
Western USA by Telecomm Co
291 Spear Street, 0349606
San Francisco, CA 94105

4a. Article Number
P 464 617 783

- 4b. Service Type
- Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery
1/5/98

5. Received By: (Print Name)

6. Signature (Addressee) or Agent
P.M. Conia

8. Addressee's Address (Only if requested and fee is paid)
San Francisco, CA

PS Form 3811, December 1984

Domestic Return Receipt

TC97-209

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

TC97-207	In The Matter Of Preferred Telecom, Inc.'s Failure To Submit A Report And Pay The Gross Receipts Tax. Preferred Telecom shall appear on February 3, 1998, at 1:30 pm (CST) in Room 430, State Capitol Building, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A. (Staff: SC/CH)	12/30/97	Hearing 02/03/98
TC97-208	In The Matter Of SmarTel Communications, Inc.'s Failure To Submit A Report And Pay The Gross Receipts Tax. SmarTel Communications shall appear on February 3, 1998, at 1:30 pm (CST) in Room 430, State Capitol Building, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A. (Staff: SC/CH)	12/30/97	Hearing 02/03/98
TC97-209	In The Matter Of Telecom USA d/b/a Teleconnect Company's Failure To Submit A Report And Pay The Gross Receipts Tax. Teleconnect shall appear on February 3, 1998, at 1:30 pm (CST) in Room 430, State Capitol Building, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A. (Staff: SC/CH)	12/30/97	Hearing 02/03/98
TC97-210	In The Matter Of Telenational Communications' Failure To Submit A Report And Pay The Gross Receipts Tax. Telenational Communications shall appear on February 3, 1998, at 1:30 pm (CST) in Room 430, State Capitol Building, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A. (Staff: SC/CH)	12/30/97	Hearing 02/03/98
TC97-211	In The Matter Of Total National Communications d/b/a Total World Telecom's Failure To Submit A Report And Pay The Gross Receipts Tax. Total World Telecom shall appear on February 3, 1998, at 1:30 pm (CST) in Room 430, State Capitol Building, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A. (Staff: SC/CH)	12/30/97	Hearing 02/03/98
TC97-212	In The Matter Of USX Consultants, Inc.'s Failure To Submit A Report And Pay The Gross Receipts Tax. USX Consultants shall appear on February 3, 1998, at 1:30 pm (CST) in Room 430, State Capitol Building, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A. (Staff: SC/CH)	12/30/97	Hearing 02/03/98
TC97-213	In The Matter Of Universal Network Services of South Dakota, Inc.'s Failure To Submit A Report And Pay The Gross Receipts Tax. Universal Network Services shall appear on February 3, 1998, at 1:30 pm (CST) in Room 430, State Capitol Building, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A. (Staff: SC/CH)	12/30/97	Hearing 02/03/98
TC97-214	In The Matter Of Utility Analysts, Inc.'s Failure To Submit A Report And Pay The Gross Receipts Tax. Utility Analysts shall appear on February 3, 1998, at 1:30 pm (CST) in Room 430, State Capitol Building, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A. (Staff: SC/CH)	12/30/97	Hearing 02/03/98
TC97-215	In The Matter Of WATS/800, Inc. d/b/a ITS's Failure To Submit A Report And Pay The Gross Receipts Tax. ITS shall appear on February 3, 1998, at 1:30 pm (CST) in Room 430, State Capitol Building, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A. (Staff: SC/CH)	12/30/97	Hearing 02/03/98
TC97-216	In The Matter Of WorldTel Services, Inc.'s Failure To Submit A Report And Pay The Gross Receipts Tax. WorldTel Services shall appear on February 3, 1998, at 1:30 pm (CST) in Room 430, State Capitol Building, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A. (Staff: SC/CH)	12/30/97	Hearing 02/03/98
TC97-217	In The Matter Of Cellular Express' Failure To Submit A Report And Pay The Gross Receipts Tax. Cellular Express shall appear on February 3, 1998, at 1:30 pm (CST) in Room 430, State Capitol Building, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A. (Staff: SC/CH)	12/30/97	Hearing 02/03/98

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.Norman at terryn@pub.state.sd.us or Facing the address to the Commission at 605-773-3808

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South Dakota Public Utilities Commission State Capitol 500 E. Capitol Pierre, SD 57501-5070 Phone: (605) 773-3705 Fax: (605) 773-3809	<h2 style="margin: 0;">TELECOMMUNICATIONS SERVICE FILINGS</h2> <p style="margin: 0;">These are the telecommunications service filings that the Commission has received for the period of:</p> <h1 style="margin: 0;">12/24/97 through 12/31/97</h1> <p style="margin: 0;">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.</p>		
DOCKET NUMBER	TITLE/STAFF/SYNOPSIS	DATE FILED	INTERVENTION DEADLINE
FORMAL COMPLAINT FILED			
TC97-200	Jerome Jacobs vs U S WEST Communications. Complainant "would like to have [an] extra line for present and future development. U S WEST said I would have to pay for this line and service at a very high cost." (Staff: LH/KC)	12/24/97	NA
ORDER FOR AND NOTICE OF SHOW CAUSE HEARING			
TC97-201	In The Matter Of Advanced Telecommunication Network, Inc.'s Failure To Submit A Report And Pay The Gross Receipts Tax. Advanced shall appear on February 3, 1998, at 1:30 pm (CST) in Room 430, State Capitol Building, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A. (Staff: SC/CH)	12/30/97	Hearing 02/03/98
TC97-202	In The Matter Of Central Payphone Services, Inc.'s Failure To Submit A Report And Pay The Gross Receipts Tax. Central Payphone shall appear on February 3, 1998, at 1:30 pm (CST) in Room 430, State Capitol Building, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A. (Staff: SC/CH)	12/30/97	Hearing 02/03/98
TC97-203	In The Matter Of Fone America, Inc.'s Failure To Submit A Report And Pay The Gross Receipts Tax. Fone America shall appear on February 3, 1998, at 1:30 pm (CST) in Room 430, State Capitol Building, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A. (Staff: SC/CH)	12/30/97	Hearing 02/03/98
TC97-204	In The Matter Of GTN Corp. d/b/a Global Telecom Network's Failure To Submit A Report And Pay The Gross Receipts Tax. GTN Corp shall appear on February 3, 1998, at 1:30 pm (CST) in Room 430, State Capitol Building, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A. (Staff: SC/CH)	12/30/97	Hearing 02/03/98
TC97-205	In The Matter Of Inmate Communications Corporation's Failure To Submit A Report And Pay The Gross Receipts Tax. Inmate Communications shall appear on February 3, 1998, at 1:30 pm (CST) in Room 430, State Capitol Building, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A. (Staff: SC/CH)	12/30/97	Hearing 02/03/98
TC97-206	In The Matter Of Network Services, Inc. d/b/a Long Distance Network Services, Inc.'s Failure To Submit A Report And Pay The Gross Receipts Tax. Long Distance Network Services shall appear on February 3, 1998, at 1:30 pm (CST) in Room 430, State Capitol Building, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A. (Staff: SC/CH)	12/30/97	Hearing 02/03/98

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SOUTH DAKOTA PUBLIC UTILITIES COMMISSION GROSS RECEIPTS TAX FUND ASSESSMENT

TC97-209

RECEIVED

For the Calendar Year ended December 31, 1996

MAY 30 1997

TELECOMMUNICATIONS

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

(Independent, Cooperative, Municipal, AOS, Reseller, Cellular, Radio Common Carrier)

Name of Company Telecom USA dba Teleconnect Company

Address of Company 201 Spear Street, 4th Floor

San Francisco, CA 94105

Tax ID # _____

INTRASTATE - SOUTH DAKOTA

Local Service Revenues _____

Access Service Revenues _____

Toll Service Revenues 7,421

Any Other SD Intrastate Revenues _____

TOTAL SD INTRASTATE REVENUES 7,421

Assessment (.0615 of South Dakota Gross Revenues or \$250.00 whichever is greater.) **\$ 250**

Signed by Company Officer: Sandee Klindworth

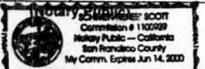
Sandee Klindworth/Tariff Administrator
(Type or Print Name and Title)

Subscribed and sworn to before me this 15 day of May, 1997

Sandee Klindworth

My Commission expires: June 14, 2000

(SEAL)



Checks are to be made payable to the State of South Dakota & are due **June 1, 1997**. (SDCL 49-1A-5)
Mail form and payment to: Public Utilities Commission, 500 E Capitol, Pierre SD 57501-5070.



275.00

277033 07/16/97 018234000 STATE OF SOUTH DAKOTA

Handwritten notes: 275.00, 277033, 06/23/97

06/23/97 631370 TELCO VOUCHER 285939 275.00

STATE OF SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

018234000 JUL 23 1997 277033

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#000277033# 053101561# 2079900009347#

STATE OF SOUTH DAKOTA
500 E CAPITOL
PIERRE SD 57501

STATE OF SOUTH DAKOTA
PUBLIC UTILITIES COMMISSION

Bank of America
07 16 97 277033

275.00

Handwritten: Scott & Dina, Scott & Dina

THIS CHECK IS VOID IF COLORED BACKGROUND IS ABSENT