

TC00 - 137



Law Offices

# HOLLAND & KNIGHT LLP

TC00-137

315 South Calhoun Street  
Suite 600  
P.O. Drawer 810 (ZIP 32302-0810)  
Tallahassee, Florida 32301  
850-224-7000  
FAX 850-224-8832  
<http://www.nklaw.com>

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September 20, 2000

D. BRUCE MAY  
850-425-5607

Internet Address:  
[dbrmay@hklaw.com](mailto:dbrmay@hklaw.com)

VIA FEDERAL EXPRESS

South Dakota Public Utilities Commission  
State Capitol Building  
500 East Capitol Avenue  
Pierre, South Dakota 57501-5070

Re: Americatel Corporation, d/b/a 10 123 Americatel and 1010 123  
Americatel ("Americatel")

Dear Sir/Madame:

Our firm represents Americatel. On March 28, 1998, Americatel was authorized to provide telecommunications services in the state of South Dakota, subject to the condition that Americatel not offer prepaid calling card service without prior approval of the South Dakota Public Utilities Commission ("Commission").

Americatel wishes to revise its tariff to provide for prepaid calling card service. Accordingly, Americatel attaches an original and ten (10) copies of its revised tariff pages as Exhibit "A":

- First Revised Sheet 2
- Original Sheet 8.1
- Original Sheets 27.1 through 27.4
- First Revised Sheet 29

RECEIVED

SEP 21 2000

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

First Revised Sheet 2 is an updated Check Sheet.

Original Sheet 8.1 provides additional definitions relating to Prepaid Phone Card Service.

Original Sheets 27.1 through 27.4 add new language regarding Americatel's new service offering -- Prepaid Phone Card Service.

First Revised Sheet 29 sets forth Americatel's rates for Prepaid Phone Card Service.

Attached as Composite Exhibit "B" are copies of updated financial information consisting of unaudited profit and loss statements and audited balance sheets and income statements. Americatel respectfully submits that the updated financial information demonstrates it has sufficient financial capability to provide prepaid calling card service.

Pursuant to ARSD 20:10:01:41, Americatel requests that the Commission classify as confidential the financial information contained in Composite Exhibit "B" attached hereto. The financial information contained in Composite Exhibit "B" constitutes proprietary confidential business information. This information is intended to be, and has been treated by Americatel, as private and has not been disclosed unless disclosed pursuant to a statutory provision, order of a court or administrative body, or private agreement that provides that the information will not be released to the public. The financial information contained in Composite Exhibit "B" is entitled to confidential classification pursuant to ARSD 20:10:01:39 and 20:10:01:42.

The financial information consists of internal reports describing Americatel's operating revenues, operating expenses, net income and cash flow. Public disclosure of this information would allow competitors to have access to information about the financial resources and strategies of Americatel. Accordingly, public disclosure of the information would irreparably harm the competitive business of Americatel.

Enclosed with this submittal is: (a) a separate, sealed envelope containing an unredacted copy of Composite Exhibit "B" with the financial information for which confidential classification is requested highlighted; and (b) two edited copies of Composite Exhibit "B" on which the confidential material has been redacted. Only the redacted copies may be made available for public inspection.

Americatel submits that it has good cause and justification for its request and confidential treatment of the financial information contained in Composite Exhibit "B" will not prejudice the Commission or any other third parties or entities with an interest in this matter. Therefore, Americatel requests that the Commission determine that the financial information contained in Composite Exhibit "B" is confidential and exempt from examination by the public until such time as Americatel advises the Commission otherwise.

Any questions regarding this filing should be directed to me at (850) 425-5607 or my paralegal, Connie Shivers at (850) 425-5657. Please acknowledge our filing of Americatel's revised tariff on the enclosed copy of this letter and return it to us in the enclosed, self-addressed stamped envelope.

Very truly yours,

HOLLAND & KNIGHT LLP

FOR *Harry R. Detailer Jr*  
D. Bruce May

DBM:chs

Enclosures

cc: Karen Walker, Esq.  
Connie H. Shivers, CLA

LONG DISTANCE RESALE TARIFF

CHECK SHEET

The sheets listed below, which are inclusive of this tariff, are effective as of the date shown at the bottom of the respective sheet(s). The original and revised sheets named below comprise all changes from the original tariff, and are currently in effect as of the date on the bottom of this page.

<u>Sheet</u>	<u>Revision</u>	<u>Sheet</u>	<u>Revision</u>
1	Original	17	Original
2	First*	18	Original
3	Original	19	Original
4	Original	20	Original
5	Original	21	Original
6	Original	22	Original
7	Original	23	Original
8	Original	24	Original
8.1	Original*	25	Original
9	Original	26	Original
10	Original	27	Original
11	Original	27.1	Original*
12	Original	27.2	Original*
13	Original	27.3	Original*
14	Original	27.4	Original*
15	Original	28	Original
16	Original	29	First*

Issued: September 20, 2000

Effective: \_\_\_\_\_

By: Jorge Asecio  
Chief Executive Officer  
Americatel Corporation  
4045 N.W. 97th Avenue  
Miami, Florida 33178  
305-716-8700

LONG DISTANCE RESALE TARIFF

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1.10 Americatel Prepaid Phone Card or Card (N)

An object containing an access number and an Authorization Code that enables the Cardholder to use Americatel Prepaid Phone Card Service.

1.11 Authorization Code

A predefined series of numbers to be dialed by the Cardholder upon accessing Americatel's system to validate the Cardholder's authorization to use Americatel Prepaid Phone Card Services.

1.12 Cardholder

Individual that uses Americatel Prepaid Phone Card Service. (N)

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3.4.3 Prepaid Phone Card Service

(N)

3.4.3.A. General

Americatel Prepaid Phone Card Service is a prepaid communications service that allows persons to purchase in advance a specified dollar value of long distance service represented by an Americatel Prepaid Phone Card, and then use such prepaid communication service by placing calls through the access number and Authorization Code printed on the Card.

3.4.3.B Service Availability

Americatel Prepaid Phone Card Service is available twenty-four hours a day, seven days a week from Dual Tone Multi-Frequency Phones located anywhere in the Continental United States when such access is available from Americatel's Underlying Carrier.

The following types of calls may not be completed using the Americatel Prepaid Phone Card Service:

(N)

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## LONG DISTANCE RESALE TARIFF

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Calls to 500 numbers  
Calls to 700 numbers  
Calls to 800 numbers  
Calls to 900 numbers  
Marine/Satellite Calls  
Air to Ground Calls  
Directory Assistance Calls

### 3.4.3.C. Description of Service

Americatel Prepaid Phone Cards are available in various denominations ranging from \$5 to \$20, or as otherwise specified by Americatel. The rates and charges applicable to Americatel Prepaid Phone Card Service are contained in Section 4.4 below.

All calls must be charged against an Americatel Prepaid Phone Card that has sufficient available balance.

The chargeable time for an Americatel Prepaid Phone Card call is determined by the duration of the call and all calls are real time rated during call progression. Chargeable time begins when the called party answers the call and two-way communication is established. Unless the call is terminated due to depletion of the Card balance, chargeable time ends when the calling party or called

(N)

(N)

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LONG DISTANCE RESALE TARIFF

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station hangs up or otherwise terminates the call.

A call will be interrupted with a warning tone or announcement, in accordance with the terminating location per minute rate, one minute before the available balance reaches zero. Calls in progress will be terminated once the available balance on the Card is insufficient to continue the call.

When the value remaining on the Card is less than the lowest per call access charge plus two (2) minutes of conversation time at the corresponding per minute rate, the Card will be retired and the unused balance forfeited.

Each Americatel Prepaid Phone Card expires once the value has been exhausted, or 180 days after its initial use, if the value has not been fully exhausted prior to that time. The Card is not reusable once the value has been exhausted or the Card has expired.

3.4.3.D. Credit Allowances for Interruptions

A credit allowance for Americatel Prepaid Phone Card Service is applicable for calls

(N)

(N)

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LONG DISTANCE RESALE TARIFF

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that are interrupted due to involuntary disconnection, poor transmission or one way transmission. Credit allowances do not apply to interruptions not reported to Americatel, interruptions due to a failure of power, equipment or systems not provided by Americatel, or for calls placed to wrong numbers. A maximum of 2 credit allowances will be granted per Card. (N)

To receive a credit, the Cardholder must report the interrupted call to Americatel within 24 hours after experiencing the interruption, by calling the customer service number printed on the back of the Card and furnishing the Authorization Code printed on the Card, the called number, the trouble experienced (e.g. cut off, noisy circuit), and the approximate time the interrupted call was made. Americatel will verify the information by reviewing the Card's Authorization Code history. If warranted, the Card that was used to place the interrupted call will be credited a dollar amount equivalent to: (a) the per call access charge applicable to the interrupted call, plus (b) the amount calculated by multiplying the price per minute applicable to the interrupted call by the actual duration of the interrupted call or two (2) minutes, whichever is less. (N)

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Effective: \_\_\_\_\_

By: Jorge Asecio  
Chief Executive Officer  
Americatel Corporation  
4045 N.W. 97th Avenue

LONG DISTANCE RESALE TARIFF

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4.3. Promotions

The Company may from time to time engage in special promotional service offerings designed to attract new subscribers or to increase subscriber awareness of a particular service offering. Such promotional offerings will be limited to specific dates, times and locations. Except for the rates charged under such promotions and any other specified terms and conditions of those promotions, all terms and conditions of service contained in this tariff shall apply to the Company's promotional service offerings.

4.4 Prepaid Phone Card Service Rates and Charges

(N)

An access charge of \$0.50 per call and a per minute rate of \$0.063 apply to intrastate calls made using Americatel Prepaid Phone Card Service. Americatel Prepaid Phone Card Service is decremented in whole minutes, with partial minutes of usage rounded up to the next whole minute. Americatel will also charge a per call pay-phone surcharge of \$0.35 per call for all calls using Americatel Prepaid Phone Card Service which are placed from payphones.

(N)

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Americatel Corporation  
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CONFIDENTIAL

# [ ]

South Dakota Public Utilities Commission

**WEEKLY FILINGS**

For the Period of September 21, 2000 through September 27, 2000

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact  
Delaine Kolbo within five business days of this filing.  
Phone: 605-773-3705 Fax: 605-773-3809

**CONSUMER COMPLAINTS**

**CT00-104** In the Matter of the Complaint filed by Joan Clark, Yankton, South Dakota, against AT&T Communications of the Midwest, Inc. Regarding Unauthorized Switching of Long Distance Carrier.

The complainant alleges that when she established new telephone services she was switched to AT&T without her authorization. She had selected another long distance carrier. The complainant requests compensation for the unauthorized switching and for her AT&T charges to be rerated to the rate her selected carrier would have charged.

Staff Analyst: Charlene Lund  
Staff Attorney: Karen E. Cremer  
Date Docketed: 09/25/00  
Intervention Deadline: NA

**ELECTRIC**

**EL00-027** In the Matter of the Petition filed by Northern States Power Company d/b/a Xcel Energy, Inc. for Approval of Modifications to the Small General Time of Day Service.

On September 21 2000, Northern States Power Company d/b/a Xcel Energy, Inc. filed a petition for modifications to its Small General Time of Day Service. The main purpose of the modifications is to provide for an additional type of service under this rate for customers with numerous, low wattage devices.

Staff Analyst: Heather Forney  
Staff Attorney: Karen Cremer  
Date Docketed: 09/21/00

**TELECOMMUNICATIONS**

**TC00-137** In the Matter of the Application of Americatel Corporation d/b/a 10 123 Americatel and 1010 123 Americatel to Amend its Certificate of Authority to Offer Prepaid Calling Cards.

Americatel Corporation, d/b/a 10 123 Americatel and 1010 123 Americatel (Americatel) was granted a certificate of authority to provide telecommunications services in South Dakota on March 28, 1998, subject to the condition that it not offer prepaid calling card service without prior approval from the Commission. On September 21, 2000, Americatel submitted an application to revise its tariff to provide for prepaid calling card service.

Staff Analyst: Heather Forney  
Date Docketed: 09/21/00  
Intervention Deadline: 10/13/00

**TC00-138 In the Matter of the Application of T-NETIX Internet Services, Inc. for a Certificate of Authority to Provide Telecommunications Services in South Dakota.**

T-NETIX Internet Services, Inc. is seeking a Certificate of Authority to provide interexchange telecommunication services in South Dakota. The applicant is a reseller that intends to offer interexchange services including 1+ and 101XXXX outbound dialing, toll free inbound dialing, directory assistance, data services and travel card services.

Staff Analyst: Keith Senger  
Date Docketed: 09/22/00  
Intervention Deadline: 10/13/00

**TC00-139 In the Matter of the Filing for Approval of a Boundary Change between Valley Telecommunications Cooperative Association, Inc. and West River Telecommunications Cooperative.**

Valley Telecommunications Cooperative Association, Inc. and West River Telecommunications Cooperative filed a joint application for approval of a boundary change between the Mobridge and Glenham Exchanges. The proposed change moves the staggered and inconsistent boundary lines to section lines or county roads.

Staff Analyst: Keith Senger  
Staff Attorney: Karen Cremer  
Date Docketed: 09/25/00  
Intervention Deadline: 10/13/00

**TC00-140 In the Matter of the Application of Telicor, Inc. for a Certificate of Authority to Provide Telecommunications Services, Including Local Exchange Services, in South Dakota.**

Telicor Inc. has filed for a Certificate of Authority to provide resold and facilities-based local exchange and interexchange service within the State of South Dakota. Telicor intends to provide 1+ and 101XXXX outbound dialing, 800/888 toll-free inbound dialing, calling cards and data services, as well as switched local exchange service, non-switched local service (e.g. private line), Centrex and/or Centrex-like services, DSL, ISDN, and other high capacity line services.

Staff Analyst: Michele Farris  
Date Docketed: 09/27/00  
Intervention Deadline: 10/13/00

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You may subscribe or unsubscribe to the PUC mailing lists at <http://www.state.sd.us/puc/>

# HOLLAND & KNIGHT LLP

315 South Calhoun Street  
Suite 600  
P.O. Drawer 810 (ZIP 32302-0810)  
Tallahassee, Florida 32301

850-224-7000  
FAX 850-224-8832  
www.hklaw.com

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*Representative Office	

December 14, 2000

CONNIE H. SHIVERS, CLA  
850-425-5657

Internet Address:  
cshivers@hklaw.com

VIA FEDERAL EXPRESS

Heather K. Forney, CPA  
Utility Analyst  
South Dakota Public Utilities Commission  
State Capitol Building  
500 East Capitol Avenue  
Pierre, South Dakota 57501-5070

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DEC 15 2000

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

Re: TC00-137-In the Matter of the Application of Americatel Corporation,  
d/b/a 10 123 Americatel and 1010 123 Americatel ("Americatel") to  
Amend its Certificate of Authority to Offer Prepaid Calling Cards

Dear Ms. Forney:

Enclosed is Americatel's Indemnity Bond as required by the South Dakota Public Utilities Commission prior to authorizing Americatel to provide Prepaid Calling Card Service in the state of South Dakota.

Please keep us informed of the developments in this docket. If you require further information, you may reach me at (850) 425-5657.

Very truly yours,

HOLLAND & KNIGHT LLP

*Connie H. Shivers*  
Connie H. Shivers, CLA  
Paralegal

CHS  
Enclosures

Heather K. Forney  
December 14, 2000  
Page 2

cc: Denisse Becerra (via fax)  
D. Bruce May  
Karen Walker

TAL1 #227835 v1

INDEMNITY BOND  
To the  
PEOPLE OF THE STATE OF SOUTH DAKOTA

Bond No. 21BSBAP3297

We, AMERICATEL CORPORATION the principal and applicant for a CERTIFICATE OF AUTHORITY to resell long distance telecommunications services within the State of South Dakota, and HARTFORD FIRE INSURANCE COMPANY as an admitted surety insurer, bind ourselves unto the Public Utilities Commission of the State of South Dakota and the consumers of South Dakota as Obligee, in the sum of \$25,000.00.

The conditions of this obligation are such that the principal, having been granted such CERTIFICATE OF AUTHORITY subject to the provision that said principal purchases this indemnity Bond, and if said principal shall in all respects fully and faithfully comply with all applicable provisions of South Dakota State Law, and reimburse customers of AMERICATEL CORPORATION for any prepayment or deposits they have made which may be unable or unwilling to return to said customers as a result of insolvency or other business failure, then this obligation shall be void, discharged and forever exonerated, otherwise to remain in full force and effect.

This bond shall take effect as of the date hereon and shall remain in force and effect until the surety is released from liability by the written order of the Public Utilities Commission, provided that the surety may cancel this Bond and be relieved of further liability hereunder by delivering thirty (30) days written notice to the Public Utilities Commission. Such cancellation shall not affect any liability incurred or accrued hereunder prior to the termination of said thirty (30) day period.

Dated this 12TH day of DECEMBER, 2000.

To be effective this 12TH day of DECEMBER, 2000.

*Original Bond is  
in Helaine's  
bottom desk drawer.*

HARTFORD FIRE INSURANCE COMPANY

By: Vickie Williams  
Vickie Williams, Attorney-In-Fact

Countersigned this 12th day of  
December, 2000

By: Jerome Reinke  
Jerome D. Reinke, Resident Agent

HARTFORD FIRE INSURANCE COMPANY

Hartford, Connecticut

POWER OF ATTORNEY

Know all men by these Presents, That HARTFORD FIRE INSURANCE COMPANY, a corporation duly organized under the laws of the State of Connecticut, and having its principal office in the City of Hartford, County of Hartford, State of Connecticut, does hereby make, constitute and appoint

CHARLES J. NELSON, TINAMARIE MASTRARRIGO, VICKIE WILLIAMS and BETH ANN LIGON of MIAMI LAKES, FLORIDA

its true and lawful Attorney(s)-in-Fact, with full power and authority to each of said Attorney(s)-in-Fact, in their separate capacity if more than one is named above, to sign, execute and acknowledge any and all bonds and undertakings and other writings obligatory in the nature thereof on behalf of the Company in its business of guaranteeing the fidelity of persons holding places of public or private trust...

This Power of Attorney is granted under and by authority of the By-Laws of HARTFORD FIRE INSURANCE COMPANY, (the Company) as amended by the Board of Directors at a meeting duly called and held on July 9, 1997, as follows:

ARTICLE IV

SECTION 7. The President or any Vice President or Assistant Vice-President, acting with any Secretary or Assistant Secretary shall have power and authority to sign and execute and attach the seal of the Company to bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof...

SECTION 8. The President or any Vice-President or any Assistant Vice President acting with any Secretary or Assistant Secretary, shall have power and authority to appoint, for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof...

Resolved, that the signatures of such Officers and the seal of the Company may be affixed to any such power of attorney or to any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company...

In Witness Whereof, HARTFORD FIRE INSURANCE COMPANY has caused these presents to be signed by its Assistant Vice President, and its corporate seal to be hereto affixed, duly attested by its Secretary, this 15th day of September, 1997.

Attest:

HARTFORD FIRE INSURANCE COMPANY

[Signature of Richard A. Hermanson]



[Signature of John F. Burke]

Richard A. Hermanson, Secretary

John F. Burke, Assistant Vice President

STATE OF CONNECTICUT }
COUNTY OF HARTFORD } SS.

On this 15th day of September, A.D. 1997, before me personally came John F. Burke, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Assistant Vice-President of HARTFORD FIRE INSURANCE COMPANY...

STATE OF CONNECTICUT }
COUNTY OF HARTFORD } SS.



[Signature of Jean H. Wozniak]

Jean H. Wozniak
Notary Public
My Commission Expires June 30, 2004

I, the undersigned, Secretary of HARTFORD FIRE INSURANCE COMPANY, a Connecticut Corporation, DO HEREBY CERTIFY that the foregoing and attached POWER OF ATTORNEY remains in full force and has not been revoked; and furthermore, that Article IV, Sections 7 and 8 of the By-Laws of HARTFORD FIRE INSURANCE COMPANY, set forth in the Power of Attorney, are now in force.

Signed and sealed at the City of Hartford.

Dated the 15th day of December 19 2000



[Signature of Robert L. Post]

Robert L. Post, Secretary

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION OF ) ORDER AMENDING  
AMERICATEL CORPORATION, D/B/A 10 123 ) CERTIFICATE OF  
AMERICATEL AND 1010 123 AMERICATEL TO ) AUTHORITY  
AMEND ITS CERTIFICATE OF AUTHORITY TO )  
OFFER PREPAID CALLING CARDS ) TC00-137

On September 21, 2000, the Public Utilities Commission (Commission) received a request from Americatel Corporation, d/b/a 10 123 Americatel and 1010 123 Americatel (Americatel) to amend its certificate of authority to provide telecommunications services in South Dakota. Americatel's certificate of authority was subject to the condition that it not offer a prepaid calling card or require advance payments or deposits without prior approval of the Commission. Americatel is now requesting that the certificate of authority be amended to allow it to offer these services. Americatel is offering to post a bond in the amount of \$25,000 as a condition of such amendment.

On September 28, 2000, the Commission electronically transmitted notice of the filing and the intervention deadline of October 13, 2000, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled January 4, 2001, meeting, the Commission considered Americatel's request for an amended certificate of authority. Commission Staff recommended granting an amended certificate of authority, subject to Americatel posting a bond in the amount of \$25,000.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3. The Commission voted to approve Americatel's application for an amended certificate of authority, subject to the condition that it post a bond in the amount of \$25,000 to ensure its compliance with South Dakota law and to reimburse customers in South Dakota for any prepayments or deposits they have made which Americatel may be unable or unwilling to return to said customers as a result of insolvency or other business failure. It is therefore

ORDERED, that Americatel's application for an amended certificate of authority to provide telecommunications services is granted, subject to the condition that Americatel post a bond in the amount of \$25,000 for the purposes stated above; and it is

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

Dated at Pierre, South Dakota, this 10<sup>th</sup> day of January, 2001.

<b>CERTIFICATE OF SERVICE</b>
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.
<i>Melvin Kelbo</i> _____ Date: <u>1/12/01</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*James A. Burg*  
\_\_\_\_\_  
JAMES A. BURG, Chairman

*Pam Nelson*  
\_\_\_\_\_  
PAM NELSON, Commissioner

*Laska Schoenfelder*  
\_\_\_\_\_  
LASKA SCHOENFELDER, Commissioner