

**BEFORE THE
SOUTH DAKOTA PUBLIC SERVICE COMMISSION**

Docket No. TC11-081

**APPLICATION FOR A CERTIFICATE OF AUTHORITY
ON BEHALF OF
SPECTROTEL, INC.
D/B/A ONETOUCH COMMUNICATIONS D/B/A TOUCH BASE COMMUNICATIONS**

RESPONSE TO STAFF DATA REQUEST 1

- 1-1) Please review and update your application accordingly in order to complete your application.

Note in the last paragraph of ARSD 20:10:32:03, "...A company shall notify the commission of any changes in subdivisions (1), (3), (4), and (17) of this section as they occur." Also note in the last paragraph of ARSD 20:10:24:02, "...A company shall notify the commission of any changes in subdivisions (1), (3), (5), (8), and (10) of this section as they occur."

Response:

Pursuant to discussion with Staff, the Company's response to these data requests will serve to supplement the Company's application in order to conform it to the current administrative rules.

The Company understands that it must notify the Commission of any changes to the contact information in subdivisions (1), (3), (4), and (17) of ARSD 20:10:32:03 and subdivisions (1), (3), (5), (8), and (10) of ARSD 20:10:24:02.

- 1-2) Per ARSD 20:10:32:03 (12) and ARSD 20:10:24:02 (9), please provide a cash flow statement or provide a written request for a waiver per ARSD 20:10:32:03 (23) and ARSD 20:10:24:02 (19).

Response:

A cash flow statement will be provided under separate cover.

- 1-3) Per ARSD 20:10:32:03 (21) and ARSD 20:10:24:02 (13), please provide information concerning how the applicant will make available to any person information concerning the applicant's current rates, terms, and conditions for all of its telecommunications services.

Response:

The Company will post the current rates, terms and conditions for its local and interexchange services offered in South Dakota on its website, located at www.spectrotel.com.

- 1-4) Per ARSD 20:10:32:03 (24) and ARSD 20:10:24:02 (17), please provide the company's South Dakota sales tax number.

Response:

The Company's South Dakota sales tax number is 1024-8969-ST.

- 1-5) Per ARSD 20:10:32:03 (14) and ARSD 20:10:24:02 (16), please provide copies of any company brochures used to assist in the sale of services.

Response:

See Attachment A.

- 1-6) Item (20) in the application provides a description of the efforts the applicant shall use to prevent the unauthorized switching of local service customers by the applicant, its employees, or agents. In addition, per ARSD 20:10:24:02 (12), please provide a description of the efforts the applicant shall use to prevent the unauthorized switching of interexchange customers.

Response:

The Company also uses a direct sales approach for marketing interexchange services and does not use multilevel marketing. It will use a written LOA to prevent unauthorized switching of interexchange services.

- 1-7) Refer to item (8) in the application. ARSD 20:10:24:02 (8) and ARSD 20:10:32:03 (9) states “A service area map *or* narrative description (*emphasis added*) ...”. No waiver is necessary for the service area map.

Response:

The Company withdraws its request for a waiver of the requirement to provide maps.

- 1-8) Please refer to item (14) in the application. The SD PUC no longer requires cost support for rates shown in the Company’s tariff as part of the certificate of authority application requirements. See the current administrative rules. No waiver is necessary for cost support.

Response:

The Company withdraws its request for waiver of cost support for its rates, since that requirement is no longer included in the administrative rules.

- 1-9) In item (16) of the application, it states "The Company may, upon receipt of a request from service from a prospective customer, enter into interconnection and/or commercial agreements with a rural telephone company. The Company has no such requests at the present time." In the future, should Spectrotel choose to provide local exchange services statewide, with respect to rural telephone companies, Spectrotel will have to come before the Commission in another proceeding before being able to provide local service in that rural service area pursuant to 47 U.S.C. § 253(f) which allows the Commission to require a company that seeks to provide service in a rural service area to meet the requirements in 47 U.S.C. § 214(e)(1) for designation as an eligible telecommunications carrier.

Response:

The Company amends its response to item 16 of the Application as follows:

Spectrotel is not seeking authority to provide local exchange service in the service area of rural telephone companies. If in the future the Company seeks to provide local exchange services in the territories of any rural telephone companies in South Dakota, it will file an appropriate application with the Commission.

- 1-10) In item (22) of the application, it states “Additionally, Spectrotel will not be collecting deposits for service within South Dakota.” Does Spectrotel also agree not to offer any prepaid calling cards or collect advance payments?

Response:

Yes.

- 1-11) In item (22) of the application, it states “The company will post a surety bond payable to the Consumers of the State of South Dakota should they change their deposit policy in the future.” Spectrotel must receive prior approval from the Commission to change its deposit policy.

Response:

The Company amends its response to item 22 of the Application as follows:

Spectrotel is not seeking any waivers of the Administrative rules. However, with respect to ARSD 20:10:24:04.05 and 20:10:32:06.01, performance bonds, the Company notes that it collect deposits or advance payments or sell prepaid cards in South Dakota. Accordingly, the Company requests that it not be required to file a performance bond or other security as a condition precedent to obtaining local or interexchange authority. If in the future the Company seeks to change its policy regarding deposits, advance payments and/or prepaid cards, it will seek prior approval from the Commission.