

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

IN THE MATTER OF THE FILING FOR)
APPROVAL OF TRANSFER OF CERTIFICATE)
OF AUTHORITY FROM CHERRY)
COMMUNICATIONS INCORPORATED TO)
MAXXIS COMMUNICATIONS, INC.)

ORDER GRANTING
TRANSFER OF CERTIFICATE
OF AUTHORITY

TC99-009

On January 26, 1999, the Public Utilities Commission (Commission), in accordance with SDCL 49-31-3 and ARSD 20:10:24:04.01 and 20:10:24:04.02, received an application for the transfer of a certificate of authority from Cherry Communications Incorporated (Cherry), to Maxxis Communications, Inc. (Maxxis).

Maxxis proposes to provide resold direct dial service, measured toll service, toll free 800 and 888 services and prepaid calling cards within South Dakota.

On January 28, 1999, the Commission electronically transmitted notice of the filing and the intervention deadline of February 12, 1999, to interested individuals and entities. No petitions to intervene or comments were filed and at its May 12, 1999, meeting, the Commission considered Maxxis' request for transfer of a certificate of authority. Commission Staff recommended granting a certificate of authority.

The Commission finds that it has jurisdiction over this matter pursuant to Chapter 49-31, specifically 49-31-3 and ARSD 20:10:24:04.01 and 20:10:24:04.02. The Commission finds that Maxxis has met the legal requirements established for the granting of a certificate of authority. Maxxis 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 Maxxis' application for a certificate of authority. As the Commission's final decision in this matter, it is therefore

ORDERED, that Maxxis' application for transfer of a certificate of authority from Cherry is hereby granted. It is

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

Dated at Pierre, South Dakota, this 18th day of May, 1999.

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><i>Debra Kalkes</i></u>
Date: <u>5/18/99</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