

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

<b>IN THE MATTER OF THE PETITION FOR AN</b>	)	<b>ORDER CLOSING DOCKET</b>
<b>ORDER TO SHOW CAUSE AS TO WHY</b>	)	
<b>BUYERSONLINE SHOULD NOT BE FOUND TO</b>	)	<b>TC01-191</b>
<b>BE IN VIOLATION OF THE LAWS OF THE</b>	)	
<b>STATE OF SOUTH DAKOTA</b>	)	

On December 5, 2001 the South Dakota Public Utilities Commission (Commission) received a Petition from Staff requesting that the Commission issue an Order To Show Cause as to why BuyersOnline Inc. a/k/a Buyers United, Inc. (BuyersOnline) should not be found in violation of South Dakota law. The basis for this Petition was that BuyersOnline was providing intrastate telecommunication services in South Dakota without a certificate of authority pursuant to SDCL 49-31-3 and had failed to pay gross receipt taxes pursuant to SDCL 49-1A-3. This docket was placed on the agenda on December 12, 2001, January 3, 2002 and February 5, 2002. In each instance, action on this docket was deferred. Staff agreed to support deferring action on this file on the conditions that BuyersOnline obtain a certificate of authority to provide intrastate telecommunication services pursuant to SDCL 49-31-3 and that the company agree to pay all gross receipt taxes. On January 3, 2002, Buyers Online submitted a check in the amount of \$500 indicating that it was issued for the payment of 1998 and 1999 gross receipt taxes. The Commission did not determine at this time that this payment was payment in full for all gross receipt taxes due or for interest, penalties or other costs due the Commission with respect to BuyersOnline's operations in the state of South Dakota. On February 5, 2002, the company filed for a certificate of authority in docket TC02-013. On August 7, 2002, an Order was issued denying that application on the basis that the company had failed to meet the requirements of SDCL 49-31-3 and ARSD 20:10:24:02. Subsequent to this denial, Staff renewed its Petition for the Commission to issue an Order To Show Cause as to why BuyersOnline should not be found in violation of South Dakota law.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 49-1A and 49-3, and specifically, but not limited to, 49-1A-3 and 49-31-3 and ARSD Chapters 20:10:01 and 20:10:24, and specifically, but not limited to ARSD 20:10:01:45 and 20:10:24:02

On October 29, 2002, an Order Granting Motion for Order to Show Cause was issued setting the matter for hearing at a time and place to be specified in such Order to Show Cause on the issues of whether BuyersOnline, Inc. a/k/a Buyers United, Inc. has violated South Dakota law, whether BuyersOnline is continuing to violate South Dakota law, and if so, what action should be taken.

At a regularly scheduled meeting of December 19, 2002, the Commission considered this matter. Staff recommended that the Commission not issue an Order To Show Cause since the company had complied with Staff's demands that the company pay

all past due gross receipt taxes and obtain a certificate of authority. The Commission voted unanimously not to issue an Order to Show Cause and to close the docket. It is therefore

ORDERED, that the docket shall be closed.

Dated at Pierre, South Dakota, this 3<sup>rd</sup> day of January, 2003.

**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:

*Melaine Kolbo*

Date:

1/6/03

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

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

*Pam Nelson*  
PAM NELSON, Commissioner

*Robert K. Sahr*  
ROBERT K. SAHR, Commissioner