

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

IN THE MATTER OF THE APPLICATION OF) S&S COMMUNICATIONS/ALTERNA-CELL) FOR A CERTIFICATE OF AUTHORITY TO) PROVIDE INTEREXCHANGE) TELECOMMUNICATIONS SERVICES IN) SOUTH DAKOTA)	ORDER GRANTING AMENDED CERTIFICATE OF AUTHORITY TC02-166
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On July 21, 2000, the Public Utilities Commission (Commission), in accordance with SDCL 49-31-3 and ARSD 20:10:24:02, received an application for a certificate of authority from S&S Communications/Alterna-Cell (S&S). S&S' application was docketed as TC00-114.

S&S sought authority to provide interstate and intrastate long distance, voice mail services, 800 number services and calling card services. A proposed tariff was filed by S&S. The Commission has classified long distance service as fully competitive.

On July 27, 2000, the Commission electronically transmitted notice of the filing and the intervention deadline of August 11, 2000, to interested individuals and entities. No petitions to intervene or comments were filed and at its December 12, 2000, meeting, the Commission approved S&S' application, subject to conditions. On December 21, 2000, the Commission issued an Order in Docket TC00-114, granting S&S a certificate of authority, subject to the following conditions:

1. Aberdeen Finance Corporation (AFC) and S&S sending a letter to all of S&S' long distance customers for which AFC holds financing agreements informing them of the collateral agreement;
2. A continuous \$50,000 (at a minimum) surety bond; and
3. S&S reporting to the Commission the current level of prepaid customers and updating its bond every six months to provide 100% coverage of the prepaid amounts not covered under the collateral agreement.

On September 27, 2002, the Commission received a Motion from Staff requesting that the Commission issue an Order to Show Cause to S&S Communications/Alterna-Cell as to why S&S should not be found in violation of the Order Granting Certificate of Authority in TC00-114 (Order) and of the laws of the State of South Dakota, including but not limited to SDCL 49-31-7.1 and ARSD 20:10:01:28, 20:10:06:05 and 20:10:24:05.05. On October 28, 2002, the Commission issued an Order Granting Motion to Issue Order to Show Cause.

At its regularly scheduled March 18, 2003, meeting, Staff and S&S jointly recommended that the Commission reconsider the terms and conditions of S&S' certificate of authority and impose a new restriction that S&S not offer any prepaid services (including a prepaid calling card) or require or accept deposits or advance payments without prior approval of the Commission.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3 and ARSD 20:10:24:02 and 20:10:24:03. The Commission further finds that S&S agreed at the meeting to an amendment to its certificate of authority to add a condition to restrict S&S from offering any prepaid services to customers in South Dakota or requiring of, or accepting from, customers in South Dakota deposits or payments in advance of provision of service.

The Commission accordingly approves and orders that S&S' certificate of authority originally granted in Docket TC00-114 be amended to add the condition that S&S not offer prepaid services to, or require or accept deposits or advance payments from, South Dakota customers without prior approval of the Commission. This condition is in addition to and not in lieu of all conditions contained in the original certificate of authority granted in TC00-114. This action and Order by the Commission to amend S&S' certificate of authority is intended as an interim measure and not as final action in Docket TC02-166. This Order is not intended to prohibit S&S from applying to this Commission for a further amendment of its certificate of authority to either remove or modify the restrictive conditions, including those imposed by this Order or to prohibit either the Commission or Staff from taking further action to enforce the terms of the certificate of authority or otherwise to protect the public interest or enforce the laws of this state.

As the Commission's decision in this matter, it is therefore

ORDERED, that the certificate of authority originally granted to S&S in TC00-114 to provide interexchange telecommunications services is amended to include the additional condition that S&S not offer prepaid services to, or require or accept deposits or advance payments from, South Dakota customers without prior approval of the Commission, and that all conditions contained in the original certificate of authority granted in TC00-114 shall remain in effect and subject to enforcement by the Commission.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that this Order was duly entered on the 20th day of March, 2003. Pursuant to SDCL 1-26-32, this Order will take effect 10 days after the date of receipt or failure to accept delivery of the decision by the parties.

Dated at Pierre, South Dakota, this 20th day of March, 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 first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u>Alaine Kalbo</u>
Date:	<u>3/20/03</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner