

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

IN THE MATTER OF THE APPLICATION OF)
SOUTH DAKOTA BIG SKY TELECOM FOR A)
CERTIFICATE OF AUTHORITY TO PROVIDE)
LOCAL EXCHANGE SERVICES IN SOUTH)
DAKOTA)

ORDER DENYING
CERTIFICATE OF
AUTHORITY

TC03-160

On August 15, 2003, the Public Utilities Commission (Commission), in accordance with SDCL 49-31-69 and ARSD 20:10:32:03, received an application for a certificate of authority from South Dakota Big Sky Telecom (SD Big Sky).

SD Big Sky proposes to provide local exchange services in South Dakota.

On August 21, 2003, the Commission electronically transmitted notice of the filing and the intervention deadline of September 5, 2003, to interested individuals and entities. At its regularly scheduled January 6, 2004, meeting, the Commission considered SD Big Sky's request for a certificate of authority. Commission Staff recommended denying the certificate of authority and closing the docket as SD Big Sky had failed to adequately provide information required by Staff.

The Commission finds that it has jurisdiction over this matter pursuant to Chapter 49-31, specifically 49-31-69 and ARSD 20:10:32:03. The Commission finds that SD Big Sky has not met the legal requirements established for the granting of a certificate of authority. SD Big Sky has not, in accordance with SDCL 49-31-69, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota. Pursuant to ARSD 20:10:32:06 the Commission voted to deny SD Big Sky's application for a certificate of authority. As the Commission's final decision in this matter, it is therefore

ORDERED, that SD Big Sky's application for a certificate of authority is hereby denied.

Dated at Pierre, South Dakota, this 16th day of January, 2004.

| |
|--|
| 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>Helaine Kalbo</u> |
| Date: <u>1/16/04</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