

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

<b>IN THE MATTER OF THE APPLICATION OF</b>	)	<b>ORDER GRANTING</b>
<b>ACCERIS COMMUNICATIONS CORP. FOR A</b>	)	<b>CERTIFICATE OF</b>
<b>CERTIFICATE OF AUTHORITY TO PROVIDE</b>	)	<b>AUTHORITY</b>
<b>LOCAL EXCHANGE SERVICES IN SOUTH</b>	)	
<b>DAKOTA</b>	)	<b>TC04-102</b>

On June 11, 2004, the Public Utilities Commission (Commission) received an application for a certificate of authority from Acceris Communications Corp. (Acceris).

Acceris proposes to offer resold and facilities-based/UNE-P local exchange services within South Dakota. A proposed tariff was filed by Acceris.

On June 17, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of July 2, 2004, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled July 20, 2004, meeting, the Commission considered Acceris' request for a certificate of authority. Commission Staff recommended granting a certificate of authority, with an effective date of August 11, 2004, subject to rural safeguards, and subject to the condition that Acceris not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments (including monthly service charge) without prior approval of the Commission. Commission Staff further recommended a waiver of ARSD 20:10:32:03(11).

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-69 and ARSD 20:10:32:03. The Commission finds that Acceris has met the legal requirements established for the granting of a certificate of authority. Acceris has, in accordance with SDCL 49-31-71, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota. Further, the Commission finds that there is good cause to waive subparagraph (11) of ARSD 20:10:32:03.

The Commission approves Acceris' application for a certificate of authority, subject to rural safeguards, and subject to the condition that Acceris not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments (including monthly service charge) without prior approval of the Commission. The certificate of authority for Acceris shall authorize it to offer local exchange services in South Dakota, except in those areas served by a rural telephone company. In the future, should Acceris choose to provide local exchange services statewide, with respect to rural telephone companies, Acceris 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. In addition, the granting of

statewide certification will not affect the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f). It is therefore

ORDERED, that Acceris' application for a certificate of authority to provide local exchange services is granted, effective August 11, 2004, subject to the condition that Acceris not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments (including monthly service charge) without prior approval of the Commission; and it is

FURTHER ORDERED, that Acceris shall file informational copies of tariff changes with the Commission as the changes occur; and it is

FURTHER ORDERED, that the Commission shall authorize Acceris to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company; and it is

FURTHER ORDERED, that the Commission waives subparagraph (11) of ARSD 20:10:32:03.

Dated at Pierre, South Dakota, this 27th day of July, 2004.

<b>CERTIFICATE OF SERVICE</b>
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: _____
Date: _____
_____
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

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ROBERT K. SAHR, Chairman

\_\_\_\_\_  
GARY HANSON, Commissioner

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JAMES A. BURG, Commissioner