

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

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
PHONE1, INC. FOR A CERTIFICATE OF)	CERTIFICATE OF
AUTHORITY TO PROVIDE ALTERNATIVE)	AUTHORITY
OPERATOR SERVICES AND)	
INTEREXCHANGE TELECOMMUNICATIONS)	TC05-001
SERVICES IN SOUTH DAKOTA)	

On January 13, 2005, 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 Phone1, Inc. (Phone1).

~~Phone1 proposes to offer operator assisted services to call aggregator locations and interexchange telecommunications services in South Dakota. A proposed tariff was filed by Phone1. The Commission has classified long distance service as fully competitive.~~

On January 20, 2005, the Commission electronically transmitted notice of the filing and the intervention deadline of February 4, 2005, to interested individuals and entities. No petitions to intervene or comments were filed and at its May 24, 2005, meeting, the Commission considered Phone1's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to the condition that Phone1 not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments without prior approval of the Commission. Commission Staff further recommended a waiver of ARSD 20:10:24:02(8) and ARSD 20:10:24:05(6) and (11).

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, 20:10:24:03 and 20:10:24:05. The Commission finds that Phone1 has met the legal requirements established for the granting of a certificate of authority. Phone1 has, in accordance with SDCL 49-31-3, 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 ARSD 20:10:24:02(8) and ARSD 20:10:24:05(6) and (11). The Commission approves Phone1's application for a certificate of authority, subject to the condition that Phone1 not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments without prior approval of the Commission. As the Commission's final decision in this matter, it is therefore

ORDERED, that Phone1's application for a certificate of authority to provide alternative operator services and interexchange telecommunications services is hereby granted, subject to the condition that Phone1 not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments without prior approval of the Commission. It is

FURTHER ORDERED, that the Commission waives ARSD 20:10:24:02(8) and ARSD 20:10:24:05(6) and (11). It is

FURTHER ORDERED, that Phone1 shall file informational copies of tariff changes with the Commission as the changes occur.

Dated at Pierre, South Dakota, this 26th day of May, 2005.

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><i>Adrian Kalbo</i></u>
Date:	<u>5/26/05</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

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

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner