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

| | | |
|---|---|---|
| IN THE MATTER OF THE APPLICATION OF BROADVOX-CLEC, LLC FOR A CERTIFICATE OF AUTHORITY TO PROVIDE INTEREXCHANGE TELECOMMUNICATIONS SERVICES AND LOCAL EXCHANGE SERVICES IN SOUTH DAKOTA | ) ) ) ) ) ) ) | ORDER GRANTING CERTIFICATE OF AUTHORITY<br><br>TC09-012 |

On March 26, 2009, the Public Utilities Commission (Commission) received an application for a certificate of authority to provide interexchange telecommunications services and local exchange services within the exchanges served by Qwest Corporation from Broadvox-CLEC, LLC (Broadvox).

On April 2, 2009, the Commission electronically transmitted notice of the filing and the intervention deadline of April 17, 2009, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled June 9, 2009, meeting, the Commission considered Broadvox's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to the condition that Broadvox 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, and subject to rural safeguards.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3 and 49-31-69 and ARSD 20:10:24:02, 20:10:24:03 and 20:10:32:03. The Commission finds that Broadvox has met the legal requirements established for the granting of a certificate of authority. Broadvox has, in accordance with SDCL 49-31-3 and 49-31-71, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota.

The Commission approves Broadvox's application for a certificate of authority, subject to the condition that Broadvox 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, and subject to rural safeguards. The certificate of authority for Broadvox 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 Broadvox choose to provide local exchange services statewide, with respect to rural telephone companies, Broadvox 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 Broadvox's application for a certificate of authority to provide interexchange telecommunications services and local exchange services within the exchanges served by Qwest Corporation is granted, subject to the condition that Broadvox 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 shall authorize Broadvox to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company. It is

FURTHER ORDERED, that this order constitutes your certificate of authority as described above.

Dated at Pierre, South Dakota, this _24th_ day of June, 2009.

BY ORDER OF THE COMMISSION:

**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, electronically.

By: _____

Date: _6/26/09_

(OFFICIAL SEAL)

DUSTIN M. JOHNSON, Chairman

STEVE KOLBECK, Commissioner

GARY HANSON, Commissioner

2