

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

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
CVC CLEC, LLC FOR A CERTIFICATE OF)	CERTIFICATE OF
AUTHORITY TO PROVIDE INTEREXCHANGE)	AUTHORITY
TELECOMMUNICATIONS SERVICES AND)	
LOCAL EXCHANGE SERVICES IN SOUTH)	TC09-015
DAKOTA)	

On April 6, 2009, the Public Utilities Commission (Commission) received an application for a certificate of authority to provide Interexchange telecommunications services and local exchange services from CVC CLEC, LLC (CVC).

On April 9, 2009, the Commission electronically transmitted notice of the filing and the intervention deadline of April 24, 2008, 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 CVC's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to the condition that CVC 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. Commission Staff further recommended a waiver of ARSD 20:10:24:02(9) and ARSD 20:10:32:03(12).

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 CVC has met the legal requirements established for the granting of a certificate of authority. CVC 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. Further, the Commission finds that there is good cause to waive ARSD 20:10:24:02(9) and ARSD 20:10:32:03(12).

The Commission approves CVC's application for a certificate of authority, subject to the condition that CVC 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 CVC 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 CVC choose to provide local exchange services statewide, with respect to rural telephone companies, CVC 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,

