

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

**IN THE MATTER OF THE APPLICATION OF)
MOBILITIE, LLC FOR A CERTIFICATE OF)
AUTHORITY TO PROVIDE INTEREXCHANGE)
TELECOMMUNICATIONS SERVICES AND)
LOCAL EXCHANGE SERVICES IN SOUTH)
DAKOTA)**

**ORDER GRANTING
CERTIFICATE OF
AUTHORITY

TC10-091**

On September 22, 2010, the Public Utilities Commission (Commission) received a petition from Mobilitie, LLC (Mobilitie), for a certificate of authority to provide interexchange telecommunications services and local exchange services. The applicant intends to provide interexchange services on a statewide basis and local services in the areas served by Qwest Corporation in the state of South Dakota. On September 23, 2010, the Commission electronically transmitted notice of the filing to interested individuals and entities. No petitions to intervene or comments were filed.

At its regularly scheduled meeting on November 9, 2010, the Commission considered Mobilitie's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to the condition that Mobilitie 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 and grant the requested waiver of ARSD 20:10:32:10.

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 and 20:10:32:03. The Commission finds that Mobilitie has met the legal requirements established for the granting of a certificate of authority. Mobilitie has, in accordance with SDCL 49-31-3, demonstrated sufficient technical, financial, and managerial capabilities to offer telecommunications services in South Dakota

The Commission approves Mobilitie's application for a certificate of authority subject to the condition that Mobilitie 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 Mobilitie shall authorize it to offer interexchange services on a statewide basis and local services in the areas served by Qwest Corporation in South Dakota, except in those areas served by a rural telephone company. In the future, should Mobilitie choose to provide local exchange services statewide, with respect to rural telephone companies, Mobilitie will have to come before the Commission in another proceeding before being able to provide local service in rural service areas 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 of 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 Mobilitie's application for a certificate of authority to provide interexchange services on a statewide basis and local services in the areas served by Qwest Corporation in South Dakota, except in those areas served by a rural telephone company, subject to the condition that Mobilitie 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. It is further

ORDERED, that this certificate of authority authorizes Mobilitie to offer interexchange services on a statewide basis and local services in the areas served by Qwest Corporation in South Dakota, except in those areas served by a rural telephone company in South Dakota, except in those areas served by a rural telephone company. It is further

ORDERED, that Mobilitie's request for waiver of ARSD 20:10:32:10 is hereby granted. It is further

ORDERED, that this order constitutes Mobilitie's certificate of authority as described above.

Dated at Pierre, South Dakota, this 16th day of November, 2010.

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: [Signature]

Date: 11/16/10

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

[Signature: Dustin M. Johnson]
DUSTIN M. JOHNSON, Chairman

[Signature: Steve Kolbeck]
STEVE KOLBECK, Commissioner

[Signature: Gary Hanson]
GARY HANSON, Commissioner