

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

**IN THE MATTER OF THE APPLICATION OF)
CINCINNATI BELL ANY DISTANCE INC, FOR)
A CERTIFICATE OF AUTHORITY TO PROVIDE)
LOCAL EXCHANGE SERVICES IN SOUTH)
DAKOTA)**

**ORDER GRANTING
CERTIFICATE OF
AUTHORITY

TC12-162**

On October 4, 2012, the Public Utilities Commission (Commission) received an application for a Certificate of Authority to provide local exchange services from Cincinnati Bell Any Distance Inc. (CBAD). On October 11, 2012, the Commission electronically transmitted notice of the filing and the intervention deadline of October 26, 2012, to interested individuals and entities. No petitions to intervene or comments were filed.

At its regularly scheduled meeting on November 6, 2012, the Commission considered CBAD's request for a Certificate of Authority. Commission Staff recommended granting a Certificate of Authority with the condition that CBAD not offer any prepaid services to retail customers including prepaid calling cards and not accept or require any deposits or advance payments from retail customers 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, 49-31-69 through 49-31-75, and ARSD 20:10:32:03. The Commission finds that CBAD has met the legal requirements established for the granting of a Certificate of Authority. CBAD 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 CBAD's application for a Certificate of Authority subject to the condition that CBAD not offer any prepaid services to retail customers (including prepaid calling cards) and not accept or require any deposits or advance payments from retail customers without prior approval of the Commission, and subject to rural safeguards. The Certificate of Authority for CBAD shall authorize it to provide local exchange telecommunications service in South Dakota, except in those areas served by a rural telephone company. In the future, should CBAD choose to provide local exchange services statewide, with respect to rural telephone companies, CBAD 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). This 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).

ORDERED, that CBAD's application for a Certificate of Authority to provide local exchange services is granted, subject to the condition that CBAD not offer any prepaid services to retail customers (including prepaid calling cards) and not accept or require any deposits or

advance payments from retail customers without prior approval of the Commission, and subject to rural safeguards. It is

FURTHER ORDERED, that this Certificate of Authority authorizes CBAD 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 CBAD's Certificate of Authority as described above.

Dated at Pierre, South Dakota, this 4th day of November, 2012.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u>Joy Feigen</u></p> <p>Date: <u>Nov. 8, 2012</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Feigen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner