

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

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
365 WIRELESS, LLC FOR A)	CERTIFICATE OF AUTHORITY
CERTIFICATE OF AUTHORITY TO)	
PROVIDE INTEREXCHANGE LONG)	TC12-037
DISTANCE SERVICES AND LOCAL)	
EXCHANGE SERVICES IN SOUTH DAKOTA)	
)	

On May 4, 2012, the Public Utilities Commission (Commission) received an application for a certificate of authority to provide interexchange long distance services and local exchange services from 365 Wireless, LLC (365 Wireless).

On May 10, 2012, the Commission electronically transmitted notice of the filing and the intervention deadline of May 25, 2012, to interested individuals and entities. No petitions to intervene or comments were filed. On June 25, 2012, 365 Wireless filed a letter requesting a withdrawal of the application for a certificate of authority to provide interexchange long distance services. 365 Wireless also requested a waiver of ARSD 20:10:32:03(12) which requires a statement of cash flow.

At its regularly scheduled July 3, 2012, meeting, the Commission considered 365 Wireless's request for a certificate of authority to provide local exchange services. Commission staff recommended granting a certificate of authority with the condition that 365 Wireless 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 20:10:32:03(12).

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 365 Wireless has met the legal requirements established for the granting of a certificate of authority. 365 Wireless 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 approved 365 Wireless's application for a certificate of authority subject to the condition that 365 Wireless 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 365 Wireless 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 365 Wireless choose to provide local exchange services in areas served by a rural telephone company, 365 Wireless 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 365 Wireless's application for a certificate of authority to provide local exchange services is granted, subject to the condition that 365 Wireless 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 this certificate of authority authorizes 365 Wireless to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company. It is

FURTHER ORDERED, that 365 Wireless's request for waiver of ARSD 20:10:32:03(12) is hereby granted. It is

FURTHER ORDERED, that this order constitutes 365 Wireless's certificate of authority as described above.

Dated at Pierre, South Dakota, this 11th day of July, 2012.

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: 7-11-12

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

[Signature]

CHRIS NELSON, Chairman

[Signature]

KRISTIE FIEGEN, Commissioner

[Signature]

GARY HANSON, Commissioner