

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

**IN THE MATTER OF TELNYX, LLC'S)
FAILURE TO TIMELY PAY THE GROSS)
RECEIPTS TAX)**

**ORDER GRANTING JOINT)
MOTION TO DISMISS AND)
CLOSE DOCKET)**

TC17-073

On December 6, 2017, the South Dakota Public Utilities Commission (Commission) issued an Order for and Notice of Show Cause Hearing against Telnix, LLC (Telnix) for failure to timely pay the gross receipts tax.

On December 7, 2017, the Commission electronically transmitted notice of the filing and a hearing date of January 16, 2018, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. The Show Cause Hearing was scheduled for January 16, 2018, in Pierre, South Dakota. The reason for the Show Cause Hearing was to give Telnix an opportunity to show cause why the Commission should not revoke its Certificate of Authority, or take other specified actions, for failure to timely pay the gross receipts tax as required by SDCL 49-1A-3. On January 5, 2018, Telnix and Commission staff jointly filed a Stipulation to Continue Hearing and Establish Procedural Schedule. On January 19, 2018, the Commission issued an Order Granting Request for Continuance and Amending Procedural Schedule. On June 26, 2018, Telnix and Commission staff filed a Joint Motion to Dismiss.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-1, 49-1A, and 49-31, specifically, 49-1-11(4), 49-1A-3, 49-1A-4, 49-1A-5, 49-1A-6, 49-31-3, and ARSD 20:10:01:45.

At its regularly scheduled meeting of June 26, 2018, the Commission considered the Joint Motion to Dismiss. The parties agreed as a part of the Joint Motion to Dismiss that no actions taken or representations made by either party, which includes but is not limited to Telnix's filing of gross receipts reports, should constitute precedent or guidance in any way for any future proceeding and that each party reserves the right to renew their position upon any future assessment that may arise. On June 26, 2018, Telnix noted that it filed its gross receipts tax report and paid its CY2016 and CY2017 gross receipts tax as well as a late penalty. Having heard the arguments of the parties, the Commission voted unanimously to grant the Joint Motion to Dismiss and incorporate it by reference into this order the same as if it had been set forth in its entirety herein and close the docket. It is therefore

ORDERED, that the Joint Motion to Dismiss is hereby granted and incorporated by reference into this order the same as if it had been set forth in its entirety herein and the docket is closed.

Dated at Pierre, South Dakota, this 6th day of July 2018.

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 or by mail.
By: <u>Karen E. Cremer</u>
Date: <u>07/06/18</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner