

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

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| IN THE MATTER OF THE APPLICATION OF) | ORDER GRANTING |
| ANPI BUSINESS, LLC FOR A CERTIFICATE) | CERTIFICATE OF |
| OF AUTHORITY TO PROVIDE LOCAL) | AUTHORITY |
| EXCHANGE SERVICES IN SOUTH DAKOTA) | |
|) | TC13-021 |

On February 11, 2013, the Public Utilities Commission (Commission) received a filing from ANPI Business, LLC, (ANPI Business) requesting authority to engage in providing local exchange and Voice over Internet Protocol (hereinafter "VoIP") telecommunications services to business-class subscribers only throughout the territories and exchanges of CenturyLink in the State of South Dakota. Under the Order Granting Certificate of Authority in Docket TC00-129, ANPI Business, LLC, formerly Zone Telecom Inc. and later converted to Zone Telecom, LLC was previously granted authorization by this Commission to provide telecommunications services in South Dakota specifically long distance and private line services. ANPI Business now wishes to expand its authority to include resold local exchange and VoIP telecommunications services to its business-class subscribers.

On February 14, 2013, the Commission electronically transmitted notice of the filing and the intervention deadline of March 1, 2013, to interested individuals and entities. No petitions to intervene or comments were filed.

At its regularly scheduled meeting on July 2, 2013, the Commission considered ANPI Business's request for a certificate of authority. Commission Staff recommended granting a Certificate of Authority with the condition that ANPI Business 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 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 ANPI Business has met the legal requirements established for the granting of a certificate of authority. ANPI Business 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 ANPI Business's application for a certificate of authority subject to the condition that ANPI Business 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 ANPI Business 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 ANPI Business choose to provide local exchange services statewide, with respect to rural telephone companies, ANPI Business 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, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f).

ORDERED, that ANPI Business's application for a certificate of authority to provide local exchange services is granted, subject to the condition that ANPI Business not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments, for retail purposes, without prior approval of the Commission, and subject to rural safeguards. It is

FURTHER ORDERED, that this certificate of authority authorizes ANPI Business 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 ANPI Business's Certificate of Authority as described above.

Dated at Pierre, South Dakota, this 9th day of July, 2013.

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| 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: <u>Trine Douglas</u> |
| Date: <u>7-9-13</u> |
| (OFFICIAL SEAL) |

BY ORDER OF THE COMMISSION:

Gary Hanson

GARY HANSON, Chairman

Chris Nelson

CHRIS NELSON, Commissioner

Kristie Fiegen

KRISTIE FIEGEN, Commissioner