

TCOO-069



TC00-069

RECEIVED

APR 11 2000

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

Telephone: (770) 232-9200

Facsimile: (770) 232-9208

Lance J.M. Steinhart

Attorney At Law

6455 East Johns Crossing

Suite 285

Duluth, Georgia 30097

Also Admitted in New York  
and Maryland

April 8, 2000

**VIA OVERNIGHT DELIVERY**

Mr. William Bullard  
Executive Director  
South Dakota Public Utilities Commission  
500 East Capitol Avenue  
Ave-Pierre, SD 57501-5070  
(605) 773-3201

Re: Natel, LLC

Dear Mr. Bullard:

Enclosed please find one original and ten (10) copies of Natel, LLC's Application for Registration of a Telecommunications Company.

I have also enclosed a check in the amount of \$250.00 payable to the "South Dakota Public Utilities Commission" for the filing fee, and an extra copy of this cover letter to be date stamped and returned to me in the enclosed self-addressed prepaid envelope.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me.

Respectfully submitted,

  
Lance J.M. Steinhart  
Attorney for Natel, LLC

Enclosures

cc: Charles Taylor

APPLICATION FOR REGISTRATION  
 OF NATEL, LLC  
 FILED WITH THE  
 SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE )  
 APPLICATION OF )  
 Natel, LLC )  
 )  
 FOR AN ORDER ) Docket No.  
 AUTHORIZING THE REGISTRATION )  
 OF APPLICANT AS A )  
 TELECOMMUNICATIONS COMPANY )

**RECEIVED**

APR 11 2000

SOUTH DAKOTA PUBLIC  
 UTILITIES COMMISSION

**APPLICATION**

Application is hereby made to the South Dakota Public Utilities Commission for an Order authorizing Natel, LLC ("Applicant") to register as a telecommunications company within the State of South Dakota. The following information is furnished in support thereof:

1. Name, Address and Telephone Number of Applicant:

Natel, LLC  
 6051 N. Brookline, #121  
 Oklahoma City, Oklahoma 73112  
 Telephone: (405) 858-0003  
 Toll-free Customer service: 888-916-2835

2. The name under which the Applicant will provide these services if different than in 1. above:

3. Applicant's corporate information:

Applicant was organized in the State of Oklahoma on August 20, 1997. A copy of the Applicant's Articles of Organization is attached hereto as Exhibit A. A copy of Applicant's Certificate of Authority to transact business as a foreign corporation in the State of South Dakota is attached hereto as Exhibit B.

The Applicant has no principal office in South Dakota. The name and address of the Applicant's registered agent is:

National Corporate Research, LTD.  
C/O Marilyn Person  
819 West Third  
Pierre, SD 57501

The names and address of each corporation, association, partnership, cooperative, or individual holding a 20% or greater ownership or management interest in the Applicant corporation and the amount and character of the ownership or management interest are as follows:

Name and Address	Shares Owned	Percentage of all Shares Issued and Outstanding and Voting Control
Danny Bannister		25%
James Bannister		25%
Chad Dobbins		25%
Taylor & Company		25%

All of the above can be reached through the company as set forth in Section 1 herein.

4. Partnership Information:

Not Applicable.

5. Description of Services Applicant intends to offer:

Applicant is a switch-based reseller which intends to offer 1+ and 101XXXX direct outbound dialing, 800/888 toll-free inbound dialing, travel card service, and prepaid calling card service.

6. Means by which the Applicant intends to provide services:

Applicant does not own or maintain any transmission facilities or switching equipment in the State of South Dakota. The Applicant will provide services through Qwest, MCI WorldCom, World Access & Caprock, its underlying carriers. As a reseller, Applicant has no points of presence in the State of South Dakota, thus Applicant neither owns, leases, nor operates any switching, transmission, or other physical facilities in the State of South Dakota, and no such facilities will be used by Applicant in providing service in the State of South Dakota. Rather, Applicant will be engaged in reselling services provided by facilities-based carriers within the State of South Dakota.

7. Geographic Areas in which services will be offered:

Applicant intends to provide services on a statewide basis.

8. Financial Qualifications:

Applicant is financially qualified to provide intrastate interexchange telecommunications services within South Dakota. In particular, Applicant has adequate access to the capital necessary to fulfill any obligations it may undertake with respect to the provision of intrastate telecommunications

services in the State of South Dakota. See Exhibit C, which is attached hereto, Applicant's Balance Sheet & Income Statement for the year ended December 31, 1999, which demonstrates that Applicant has the financial ability to provide the services that it proposes to offer.

9. Applicant's complaints and regulatory matters contact and how Applicant handles customer billings and customer service matters.

All inquiries regarding regulatory matters should be addressed to:

Charles Taylor, Member  
6051 N. Brookline, #121  
Oklahoma City, Oklahoma 73112  
Telephone: (405) 858-0003  
Facsimile: (405) 858-0104  
E-Mail: [www.natelllc.com](http://www.natelllc.com)

All inquiries regarding complaints should be addressed to:

Steve Taylor, Customer Service Manager  
6051 N. Brookline, #121  
Oklahoma City, Oklahoma 73112  
Telephone: (405) 858-0003  
Facsimile: (405) 848-5425  
E-Mail: [stevet@natelllc.com](mailto:stevet@natelllc.com)

The Applicant's customers will be direct billed utilizing "real-time" completed call detail information from Applicant's underlying carriers. Applicant's toll-free number will be on all invoices and customer service will be provided in-house by the Applicant.

10. Regulatory Status:

Applicant is currently in the process of obtaining all required authorizations from the state regulatory agencies. Applicant is currently authorized to provide service in Iowa, Michigan, Montana, New Jersey, Texas, Utah and Virginia.

The Applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified. The Applicant has never been denied registration or certification nor withdrawn its request for registration or certification in any state.



11. Description of Marketing

Applicant intends to market its services to primarily to residential customers and to small to mid-sized businesses. All sales personnel will have telecommunications service experience. Applicant will market through direct sales by employees and agents. Applicant does not intend to engage in multilevel marketing at this time. Applicant's marketing materials are currently being developed and are not available at this time.

12. Cost Support:

Applicant intends to provide services at a price above its cost.

13. Federal Tax Identification Number:

73-1524622

14. The Number and Nature of Complaints filed against the Applicant with any state or federal regulatory commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered:

None

15. Tariff

A copy of Applicant's proposed tariff is attached hereto as Exhibit E.

WHEREFORE, the undersigned Applicant requests that the South Dakota Public Utilities Commission enter an order granting this application.

DATED this 8<sup>th</sup> day of April, 2000.

Natel, LLC

By: 

Lance M. Steinhart, Its Counsel

6455 East Johns Crossing  
Suite 285  
Duluth, Georgia 30097  
(770) 232-9200

... this 5th day of April, 2000.

Notary Public *Michelle Barton*

My Commission expires: *March 18, 2003*

ED EXC APP

*[Faint signature]*

State of Oklahoma

County of Oklahoma

Charles Taylor, being first duly sworn, deposes and says that he/she is the Member of Natel, LLC, the Applicant in the proceeding entitled above, that he/she has read the foregoing application and knows the contents thereof; that the same are true of his/her knowledge, except as to matters which are therein stated on information or belief, and to those matters he/she believes them to be true.



Charles Taylor  
Member

LIST OF EXHIBITS

- A - ARTICLES OF ORGANIZATION
- B - CERTIFICATE OF AUTHORITY
- C - MARKETING MATERIAL
- D - FINANCIAL INFORMATION
- E - PROPOSED TARIFF

EXHIBIT A - ARTICLES OF ORGANIZATION

OFFICE OF THE SECRETARY OF STATE



**CERTIFICATE  
OF  
LIMITED LIABILITY COMPANY**

*WHEREAS, the Articles of Organization of*

**NATEL, L.L.C.**

*an Oklahoma limited liability company, has been filed in the Office of the Secretary of State as provided by the laws of the State of Oklahoma.*

*NOW THEREFORE, I, the undersigned, Secretary of State of the State of Oklahoma, by virtue of the powers vested in me by law, do hereby issue this certificate evidencing such filing.*

*IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the Great Seal of the State of Oklahoma.*



Filed in the City of Oklahoma City this 20TH  
day of AUGUST, 1997.

*Sam Cole*  
Secretary of State

By: *[Signature]*

FEE: \$10

SECRETARY  
OF  
STATE  
THANK YOU

# ARTICLES OF ORGANIZATION

**FILED**  
AUG 20 1997  
OKLAHOMA SECRETARY  
OF STATE  
FOR OFFICE USE ONLY

PLEASE 08/20/97 3:32PM  
000H7619 A

FILE IN 1 P004001

TO: TR NEW OK-LLC \$100.00  
SECRETARY OF STATE, 101 State Capitol, Oklahoma City, OK 73105

The ~~total~~ \$100.00 purpose of forming an Oklahoma limited liability company pursuant to the provisions CHECK \$100.00 Section 2004, does hereby execute the following articles: CHANGE \$0.00

1. The name of the limited liability company (Note: The name must contain either the words "limited liability company" or "limited company" or the abbreviations "L.L.C." or "L.C." The word "limited" may be abbreviated as "Ltd." and the word "Company" may be abbreviated as "Co.):  
Natel, L.L.C.

2. The street address of its principal place of business in the state of Oklahoma:  
3535 NW 58th St, Ste 600 Okla City OK 73112  
Street address City State Zip Code

3. The name and address of the resident agent in the state of Oklahoma:  
Charles L. Taylor 3535 NW 58th St, Ste 600 Okla City OK 73112  
Name Street Address City State Zip Code  
(P.O. Boxes are not acceptable.)

4. The latest date on which the limited liability company is to dissolve: Sept 1, 1992

Articles of organization must be signed by at least one person who need not be a member of the limited liability company.

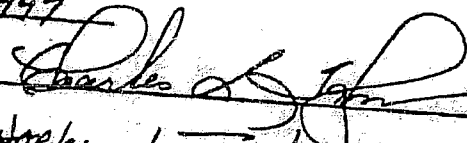
Dated: Aug 20, 1997  
Signature:   
Type or Print Name: Charles L. Taylor  
Address: 3535 NW 58th St, Ste 600  
Okla City, OK 73112



EXHIBIT B - CERTIFICATE OF AUTHORITY

# State of South Dakota



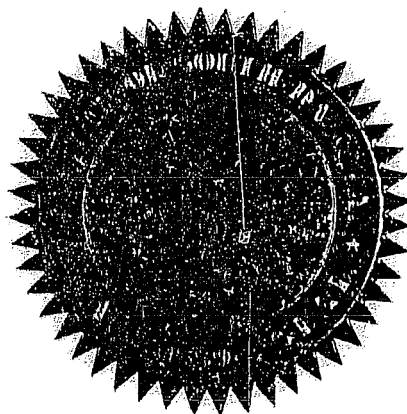
## OFFICE OF THE SECRETARY OF STATE

### Certificate of Authority Limited Liability Company

I, **JOYCE HAZELTINE**, Secretary of State of the State of South Dakota, hereby certify that duplicate of the Application for a Certificate of Authority of **NATEL, L.L.C. (OK)** to transact business in this state duly signed and verified pursuant to the provisions of the South Dakota Limited Liability Company Act, have been received in this office and are found to conform to law.

**ACCORDINGLY** and by virtue of the authority vested in me by law, I hereby issue this Certificate of Authority and attach hereto a duplicate of the application for certificate of authority.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of South Dakota, at Pierre, the Capital, this March 30, 2000.



Joyce Hazeltine  
Secretary of State

SECRETARY OF STATE  
STATE CAPITOL  
500 E. CAPITOL AVE.  
PIERRE, S.D. 57501  
(605)773-4845  
FAX (605)773-4530

CERTIFICATE OF AUTHORITY APPLICATION  
OF A  
FOREIGN LIMITED LIABILITY COMPANY

RECEIVED

MAR 30 '00

S.D. SEC. OF STATE

Filed this 30th day of March 2000  
*[Signature]*

1. The name of the foreign Limited Liability Company is: Natel, L.L.C.
2. The name of the state or country under whose law it is organized is: Oklahoma
3. The street address of its principal office is: 8051 N. Brookline, #121, Oklahoma City, OK 73112
4. The address of its initial designated office in South Dakota is: 819 West Third, Pierre, SD 57501
5. The name and street address of its initial agent for service of process in South Dakota is: National Corporate Research, Ltd. 819 West Third, Pierre, South Dakota, 57501
6. The date of organization is: August 20, 1997, and the period of duration is: Perpetual
7. If the company is manager-managed, rather than member-managed, the name and address of each initial manager:
8. Whether one or more of the members of the company are to be liable for its debts and obligations under a provision similar to SDCL 47-34A-303 (c).

The application must be signed by a member if the company is a member-managed company or by a manager if its a manager-managed company.

Date: March 16, 2000

*[Signature]* Member  
(Signature and Title)

FILING INSTRUCTIONS:

- The application for authority must be accompanied by the first Annual Report.
- One original and one exact or conformed copy must be submitted.
- The application must be accompanied by an original, currently dated *Certificate of Good Standing or Existence* from the Secretary of State in the state where it is organized.

RECEIVED

MAR 30 2000

S.D. SEC. OF STATE

SECRETARY OF STATE  
STATE CAPITOL  
300 E. CAPITOL AVE.  
PIERRE, S.D. 57501  
(605)773-4845  
FAX (605)773-4550

FIRST ANNUAL REPORT  
OF A  
LIMITED LIABILITY COMPANY

1. The name of the Limited Liability Company is: Natel, L.L.C.

2. The state or country under whose law it is organized is: Oklahoma

3. The address of its registered office and the name and address of its registered agent for service of process in South Dakota is:  
National Corporate Research, Ltd.  
819 West Third, Pierre, South Dakota, 57501

4. The address of its principal office is: 6051 N. Brookline, #121, Oklahoma City, OK 73112

5. The names and business addresses of any managers:

6. The dollar amount of the total agreed contributions to the Limited Liability Company is \$ 90.00

Date: March 16, 2000  
[Signature] member

(Signature and Title)

\* FILING FEE:

AGREED CONTRIBUTION	FEE	
Not in excess of \$50,000	\$ 90	
\$50,001 to \$100,000	\$150	
In excess of \$100,000	\$150	for first \$100,000 plus \$.50 for each additional \$1,000

The maximum amount charged may not exceed sixteen thousand dollars (\$16,000).

SOUTH DAKOTA SECRETARY OF STATE

OFFICIAL RECEIPT

NUMBER 871976

FORM OF PAYMENT CHECK  
CHECK NBR 4745

DATE 03/30/2000  
AMOUNT \$ 100.00  
BY STANGRA

NATEL LLC  
6051 N BROOKLINE STE 121  
OKLAHOMA CITY OK 73112-\_\_

THIS RECEIPT IS IN REFERENCE TO:  
NATEL, L.L.C.

TRANSACTION DESCRIPTION

AMOUNT

ARTICLES OF ORGANIZATION.....	\$ 90.00
EXPEDITED FEE.....	10.00

EXHIBIT C - MARKETING MATERIAL  
Not Available

EXHIBIT D - FINANCIAL INFORMATION

Financial Statements

of  
Natel L.L.C.  
For the Period Ended December 31, 1999

See Accompanying Accountant's Compilation Report



Natel L.L.C.  
Balance Sheet  
December 31, 1999

Assets

Current Assets

Cash in Bank-Acct.#	\$	(9,380.31)
Cash in Bank - Other		<u>298.26</u>

Total Current Assets		\$	(9,082.05)
----------------------	--	----	------------

Fixed Assets

Fixtures and Equipment		54,636.02
Accumulated Depreciation		<u>(2,450.00)</u>

Total Fixed Assets			52,186.02
--------------------	--	--	-----------

Other Assets

Other Assets		<u>1,950.67</u>
--------------	--	-----------------

Total Other Assets			<u>1,950.67</u>
--------------------	--	--	-----------------

Total Assets		\$	<u>45,054.64</u>
--------------	--	----	------------------

See Accompanying Accountant's Compilation Report

Natel L.L.C.  
Balance Sheet  
December 31, 1999

Liabilities and Equity

Current Liabilities

Notes Payable -First American	\$	814.00
Federal Withholding Payable		4,487.06
FICA Tax Payable		4,585.83
State Withholding Payable		1,037.40
Federal Unemployment Payable		783.69
State Unemployment Payable		<u>1,259.37</u>

Total Current Liabilities \$ 12,967.35

Long Term Liabilities

Equity

Taylor & Co.---Capital	(74,687.49)
James Bannister-Capital	(74,687.48)
Danny Bannister-Capital	(74,687.48)
Chad Dobbins-Capital	(74,687.48)
Current Income (Loss)	<u>330,837.22</u>

Total Equity 32,087.29

Total Liabilities & Equity \$ 45,054.64

See Accompanying Accountant's Compilation Report

Natel L.L.C.  
Income Statement  
For the Period Ended December 31, 1999

	12 Months Ended <u>Dec. 31, 1999</u>	<u>Pct</u>
Revenue		
Sales -Recharge	\$ 3,214,416.86	102.20
Returns and Allowances	(69,080.52)	( 2.20)
Total Revenue	<u>3,145,336.34</u>	100.00
Cost of Sales		
Cost of Goods Sold	<u>2,296,097.77</u>	<u>73.00</u>
Total Cost of Sales	<u>2,296,097.77</u>	<u>73.00</u>
Gross Profit	849,238.57	27.00
Operating Expenses		
Accounting	2,000.00	0.06
Advertising	450.80	0.01
Bad Debts	9,090.25	0.29
Bank Charges	5,523.46	0.18
Commissions	69,792.90	2.22
commissions	1,908.35	0.06
Contract Labor	286.51	0.01
Credit Card Fees	9,496.72	0.30
Answering Service	2,039.14	0.06
Dues and Subscriptions	100.00	0.00
Equipment Rental	1,345.64	0.04
GUARANTEED PAYMENTS	2,500.00	0.08
Insurance	500.00	0.02
Interest	50.00	0.00
Licenses and Fees	910.00	0.03
Meals & Entertainment	467.52	0.01
Miscellaneous	17,891.43	0.57
Office Expense	15,962.82	0.51
Postage	7,939.64	0.25
Rent	24,222.50	0.77
Repairs and Maintenance	682.27	0.02
Salaries and Wages	155,517.55	4.94
Supplies	68,320.77	2.17
Taxes - Payroll	15,704.24	0.50
Taxes - Other	38.05	0.00
Telephone	103,898.24	3.30
Travel	1,849.78	0.06
Total Expenses	<u>518,488.58</u>	<u>16.48</u>
Operating Income	330,749.99	10.52
Interest Income	<u>87.23</u>	<u>0.00</u>
Total Other Income	<u>87.23</u>	<u>0.00</u>

See Accompanying Accountant's Compilation Report

	<u>12 Months Ended</u> <u>Dec. 31, 1999</u>	<u>Pct</u>
Net Income (Loss)	\$ <u>330,837.22</u>	<u>10.52</u>

See Accompanying Accountant's Compilation Report

EXHIBIT E - PROPOSED TARIFF

NATEL, LLC

ORIGINAL SHEET 1  
SOUTH DAKOTA PUC TARIFF NO. 1  
TELECOMMUNICATIONS SERVICES TARIFF

TITLE SHEET

SOUTH DAKOTA TELECOMMUNICATIONS TARIFF

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service or facilities for Telecommunications Services furnished by Natel, LLC ("Natel"), with principal offices at 6051 N. Brookline, #121, Oklahoma City, Oklahoma 73112. This tariff applies for services furnished within the State of South Dakota. This tariff is on file with the South Dakota Public Utilities Commission, and copies may be inspected, during normal business hours, at the company's principal place of business.

ISSUED: April 11, 2000

ISSUED BY:

Charles Taylor, Member  
6051 N. Brookline, #121  
Oklahoma City, Oklahoma 73112

EFFECTIVE:

, 2000

NATEL, LLC

ORIGINAL SHEET 2  
SOUTH DAKOTA PUC TARIFF NO. 1  
TELECOMMUNICATIONS SERVICES TARIFF

RESERVED FOR FUTURE USE

ISSUED: April 11, 2000

EFFECTIVE: , 2000

ISSUED BY:

Charles Taylor, Member  
6051 N. Brookline, #121  
Oklahoma City, Oklahoma 73112

TELECOMMUNICATIONS SERVICES TARIFFCHECK SHEET

The Sheets of this tariff are effective as of the date shown at the bottom of the respective sheet(s). Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date on the bottom of this sheet.

<u>SHEET</u>	<u>REVISION</u>
1	Original
2	Original
3	Original
4	Original
5	Original
6	Original
7	Original
8	Original
9	Original
10	Original
11	Original
12	Original
13	Original
14	Original
15	Original
16	Original
17	Original
18	Original
19	Original
20	Original
21	Original
22	Original
23	Original
24	Original
25	Original
26	Original
27	Original
28	Original
29	Original
30	Original
31	Original
32	Original

\* New or Revised Sheet

ISSUED: April 11, 2000

EFFECTIVE: , 2000

ISSUED BY:

Charles Taylor, Member  
6051 N. Brookline, #121  
Oklahoma City, Oklahoma 73112



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ISSUED: April 11, 2000

ISSUED BY:

Charles Taylor, Member  
6051 N. Brookline, #121  
Oklahoma City, Oklahoma 73112

EFFECTIVE: , 2000

TELECOMMUNICATIONS SERVICES TARIFFTARIFF FORMAT

A. Sheet Numbering: Sheet numbers appear in the upper right corner of the page. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between pages 11 and 12 would be page 11.1.

B. Sheet Revision Numbers: Revision numbers also appear in the upper right corner of each sheet where applicable. These numbers are used to indicate the most current page version on file with the Commission. For example, 4th Revised Sheet 13 cancels 3rd Revised Sheet 13. Consult the Check Sheet for the sheets currently in effect.

C. Paragraph Numbering Sequence: There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:

2.  
2.1  
2.1.1  
2.1.1.A  
2.1.1.A.1  
2.1.1.A.1.(a)  
2.1.1.A.1.(a).I  
2.1.1.A.1.(a).I.(i)  
2.1.1.A.1.(a).I.(i).(1)

D. Check Sheets: When a tariff filing is made with the Commission, an updated Check Sheet accompanies the tariff filing. The Check Sheet lists the sheets contained in the tariff, with a cross reference to the current Revision Number. When new sheets are added, the Check Sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk (\*). There will be no other symbols used on this sheet if these are the only changes made to it (i.e., the format, etc. remains the same, just revised revision levels on some sheets). The tariff user should refer to the latest Check Sheet to find out if a particular sheet is the most current filed with the Commission.

ISSUED: April 11, 2000

EFFECTIVE: , 2000

ISSUED BY:

Charles Taylor, Member  
6051 N. Brookline, #121  
Oklahoma City, Oklahoma 73112

SYMBOLS

The following are the only symbols used for the purposes indicated below:

- (C) to signify change in regulation
- (D) to signify a deletion
- (I) to signify a rate increase
- (L) to signify material relocated in the tariff
- (N) to signify a new rate or regulation
- (R) to signify a rate reduction
- (T) to signify a change in text, but no change in rate or regulation

ISSUED: April 11, 2000

ISSUED BY:

Charles Taylor, Member  
6051 N. Brookline, #121  
Oklahoma City, Oklahoma 73112

EFFECTIVE: , 2000

SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

Access Line - An arrangement from a local exchange telephone company or other common carrier, using either dedicated or switched access, which connects a Customer's location to the Company's location or switching center.

Authorization Code - A numerical code, one or more of which may be assigned to a Customer, to enable the Company to identify the origin of the Customer so it may rate and bill the call. Automatic number identification (ANI) is used as the authorization code wherever possible.

Commission - Used throughout this tariff to mean the South Dakota Public Utilities Commission.

Customer - The person, firm, corporation or other legal entity which orders the services of the Company and is responsible for the payment of charges and for compliance with the Company's tariff regulations.

Company or Natel - Used throughout this tariff to mean Natel, LLC, a Oklahoma Limited Liability Company.

Dedicated Access - The Customer gains entry to the Company's services by a direct path from the Customer's location to the Company's point of presence.

Holiday - New Year's Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Holidays shall be billed at the evening rate from 8 a.m. to 11 p.m. After 11 p.m., the lower night rate shall go into effect.

Prepaid Account - An inventory of Telecom Units purchased in advance by the Customer, and associated with one and only one Authorization Code as contained in a specific Prepaid Calling Card.

Prepaid Calling Card - A card issued by the Company, containing an Authorization Code which identifies a specific Prepaid Account of Telecom Units, which enables calls to be processed, account activity to be logged, and balances to be maintained, on a prepayment basis.

ISSUED: April 11, 2000

ISSUED BY:

Charles Taylor, Member  
6051 N. Brookline, #121  
Oklahoma City, Oklahoma 73112

EFFECTIVE:

, 2000

Resp. Org - Responsible Organization or entity identified by an 800 service Customer that manages and administers records in the 800 database and management system.

Switched Access - The Customer gains entry to the Company's services by a transmission line that is switched through the local exchange carrier to reach the Company's point of presence.

Telecom Unit - A measurement of telecommunications service equivalent to one minute of usage between any two points within the State of South Dakota.

Telecommunications - The transmission of voice communications or, subject to the transmission capabilities of the services, the transmission of data, facsimile, signaling, metering, or other similar communications.

Underlying Carrier - The telecommunications carrier whose network facilities provide the technical capability and capacity necessary for the transmission and reception of Customer telecommunications traffic.

ISSUED: April 11, 2000

ISSUED BY:

Charles Taylor, Member  
6051 N. Brookline, #121  
Oklahoma City, Oklahoma 73112

EFFECTIVE: , 2000

TELECOMMUNICATIONS SERVICES TARIFFSECTION 2 - RULES AND REGULATIONS2.1 Undertaking of the Company

This tariff contains the regulations and rates applicable to intrastate resale telecommunications services provided by the Company for telecommunications between points within the State of South Dakota. Resale services are furnished subject to the availability of facilities and subject to the terms and conditions of this tariff in compliance with limitations set forth in the Commission's rules. The Company's services are provided on a statewide basis and are not intended to be limited geographically. The Company offers service to all those who desire to purchase service from the Company consistent with all of the provisions of this tariff. Customers interested in the Company's services shall file a service application with the Company which fully identifies the Customer, the services requested and other information requested by the Company. The Company reserves the right to examine the credit record and check the references of all applicants and Customers. The Company may examine the credit profile/record of any applicant prior to accepting the service order. The service application shall not in itself obligate the Company to provide services or to continue to provide service if a later check of applicant's credit record is, in the opinion of the Company, contrary to the best interest of the Company. The Company may act as the Customer's agent for ordering access connection facilities provided by other carriers or entities when authorized by the Customer, to allow connection of a Customer's location to a service provided by the Company. The Customer shall be responsible for all charges due for such service arrangement.

ISSUED: April 11, 2000

EFFECTIVE: , 2000

ISSUED BY:

Charles Taylor, Member  
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Oklahoma City, Oklahoma 73112

TELECOMMUNICATIONS SERVICES TARIFF

- 2.1.1 The services provided by the Company are not part of a joint undertaking with any other entity providing telecommunications channels, facilities, or services, but may involve the resale of the Message Toll Services (MTS) and Wide Area Telecommunications Services (WATS) of underlying common carriers which may be subject to the jurisdiction of this Commission.
- 2.1.2 The rates and regulations contained in this tariff apply only to the resale services furnished by the Company and do not apply, unless otherwise specified, to the lines, facilities, or services provided by a local exchange telephone company or other common carriers for use in accessing the services of the Company.
- 2.1.3 The Company reserves the right to limit the length of communications, to discontinue furnishing services, or limit the use of service necessitated by conditions beyond its control, including, without limitation: lack of satellite or other transmission medium capacity; the revision, alteration or repricing of the Underlying Carrier's tariffed offerings; or when the use of service becomes or is in violation of the law or the provisions of this tariff.

2.2 Use of Services

- 2.2.1 The Company's services may be used for any lawful purpose consistent with the transmission and switching parameters of the telecommunications facilities utilized in the provision of services, subject to any limitations set forth in this Section 2.2.
- 2.2.2 The use of the Company's services to make calls which might reasonably be expected to frighten, abuse, torment, or harass another or in such a way as to unreasonably interfere with use by others is prohibited.

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EFFECTIVE: , 2000

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TELECOMMUNICATIONS SERVICES TARIFF

- 2.2.3 The use of the Company's services without payment for service or attempting to avoid payment for service by fraudulent means or devices, schemes, false or invalid numbers, or false calling or credit cards is prohibited.
- 2.2.4 The Company's services are available for use twenty-four hours per day, seven days per week.
- 2.2.5 The Company does not transmit messages, but the services may be used for that purpose.
- 2.2.6 The Company's services may be denied for nonpayment of charges or for other violations of this tariff.
- 2.2.7 Customers shall not use the service provided under this tariff for any unlawful purpose.
- 2.2.8 The Customer is responsible for notifying the Company immediately of any unauthorized use of services.

2.3 Liability of the Company

- 2.3.1 The Company shall not be liable for any claim, loss, expense or damage for any interruption, delay, error, omission, or defect in any service, facility or transmission provided under this tariff, if caused by the Underlying Carrier, an act of God, fire, war, civil disturbance, act of government, or due to any other causes beyond the Company's control.
- 2.3.2 The Company shall not be liable for, and shall be fully indemnified and held harmless by the Customer against any claim, loss, expense, or damage for defamation, libel, slander, invasion, infringement of copyright or patent, unauthorized use of any trademark, trade name or service mark, proprietary or creative right, or any other injury to any person, property or entity arising out of the material, data or information transmitted.

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EFFECTIVE: , 2000

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NATEL, LLC

ORIGINAL SHEET 12  
SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

- 2.3.3 No agent or employee of any other carrier or entity shall be deemed to be an agent or employee of the Company.
- 2.3.4 Reserved for Future Use
- 2.3.5 Reserved for Future Use
- 2.3.6 Reserved for Future Use

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TELECOMMUNICATIONS SERVICES TARIFF

2.3.7 The remedies set forth herein are exclusive and in lieu of all other warranties and remedies, whether express, implied, or statutory, INCLUDING WITHOUT LIMITATION IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

2.4 Responsibilities of the Customer

2.4.1 The Customer is responsible for placing any necessary orders and complying with tariff regulations. The Customer is also responsible for the payment of charges for services provided under this tariff.

2.4.2 The Customer is responsible for charges incurred for special construction and/or special facilities which the Customer requests and which are ordered by the Company on the Customer's behalf.

2.4.3 If required for the provision of the Company's services, the Customer must provide any equipment space, supporting structure, conduit and electrical power without charge to the Company.

2.4.4 The Customer is responsible for arranging access to its premises at times mutually agreeable to the Company and the Customer when required for Company personnel to install, repair, maintain, program, inspect or remove equipment associated with the provision of the Company's services.

2.4.5 The Customer shall cause the temperature and relative humidity in the equipment space provided by Customer for the installation of the Company's equipment to be maintained within the range normally provided for the operation of microcomputers.

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TELECOMMUNICATIONS SERVICES TARIFF

- 2.4.6 The Customer shall ensure that the equipment and/or system is properly interfaced with the Company's facilities or services, that the signals emitted into the Company's network are of the proper mode, bandwidth, power and signal level for the intended use of the subscriber and in compliance with criteria set forth in this tariff, and that the signals do not damage equipment, injure personnel, or degrade service to other Customers. If the Federal Communications Commission or some other appropriate certifying body certifies terminal equipment as being technically acceptable for direct electrical connection with interstate communications service, the Company will permit such equipment to be connected with its channels without the use of protective interface devices. If the Customer fails to maintain the equipment and/or the system properly, with resulting imminent harm to Company equipment, personnel or the quality of service to other Customers, the Company may, upon written notice, require the use of protective equipment at the Customer's expense. If this fails to produce satisfactory quality and safety, the Company may, upon written notice, terminate the Customer's service.
- 2.4.7 The Customer must pay the Company for replacement or repair of damage to the equipment or facilities of the Company caused by negligence or willful act of the Customer or others, by improper use of the services, or by use of equipment provided by Customer or others.
- 2.4.8 The Customer must pay for the loss through theft of any Company equipment installed at Customer's premises.
- 2.4.9 If the Company installs equipment at Customer's premises, the Customer shall be responsible for payment of any applicable installation charge.

ISSUED: April 11, 2000

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Oklahoma City, Oklahoma 73112

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2.4.10 The Customer must use the services offered in this tariff in a manner consistent with the terms of this tariff and the policies and regulations of all state, federal and local authorities having jurisdiction over the service.

2.5 Cancellation or Interruption of Services

2.5.1 Without incurring liability, upon five (5) working days' (defined as any day on which the company's business office is open and the U.S. Mail is delivered) written notice to the Customer, the Company may immediately discontinue services to a Customer or may withhold the provision of ordered or contracted services:

2.5.1.A For nonpayment of any sum due the Company for more than thirty (30) days after issuance of the bill for the amount due, unless the charge is in dispute;

2.5.1.B For violation of any of the provisions of this tariff,

2.5.1.C For violation of any law, rule, regulation, policy of any governing authority having jurisdiction over the Company's services, or

2.5.1.D By reason of any order or decision of a court, public service commission or federal regulatory body or other governing authority prohibiting the Company from furnishing its services.

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Oklahoma City, Oklahoma 73112

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- 2.5.2 Without incurring liability, the Company may interrupt the provision of services at any time in order to perform tests and inspections to assure compliance with tariff regulations and the proper installation and operation of Customer and the Company's equipment and facilities and may continue such interruption until any items of noncompliance or improper equipment operation so identified are rectified.
- 2.5.3 Service may be discontinued by the Company without notice to the Customer, by blocking traffic to certain countries, cities or NXX exchanges, or by blocking calls using certain Customer authorization codes, when the Company deems it necessary to take such action to prevent unlawful use of its service. The Company will restore service as soon as it can be provided without undue risk, and will, upon request by the Customer affected, assign a new authorization code to replace the one that has been deactivated.
- 2.5.4 The Customer may terminate service upon thirty (30) days written notice for the Company's standard month to month contract. Customer will be liable for all usage on any of the Company's service offerings until the Customer actually leaves the service. Customers will continue to have Company usage until the Customer notifies its local exchange carrier and changes its long distance carrier. Until the Customer so notifies its local exchange carrier, it shall continue to generate and be responsible for long distance usage.

ISSUED: April 11, 2000

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TELECOMMUNICATIONS SERVICES TARIFF

2.6 Credit Allowance

2.6.1 Credit may be given for disputed calls, on a per call basis.

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EFFECTIVE: , 2000

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TELECOMMUNICATIONS SERVICES TARIFF

2.7 Restoration of Service

The use and restoration of service shall be in accordance with the priority system specified in part 64, Subpart D of the Rules and Regulations of the Federal Communications Commission.

2.8 Deposit

The Company does not require deposits.

2.9 Advance Payments

The Company does not require advance payments.

ISSUED: April 11, 2000

ISSUED BY:

Charles Taylor, Member  
6051 N. Brookline, #121  
Oklahoma City, Oklahoma 73112

EFFECTIVE:

, 2000

TELECOMMUNICATIONS SERVICES TARIFF2.10 Payment and Billing

- 2.10.1 Service is provided and billed on a billing cycle basis, beginning on the date that service becomes effective. Billing is payable upon receipt. A late fee will be assessed on unpaid amounts 30 days after rendition of bills.
- 2.10.2 The customer is responsible for payment of all charges for services furnished to the Customer, as well as to all persons using the Customer's codes, exchange lines, facilities, or equipment, with or without the knowledge or consent of the Customer. The security of the Customer's Authorization Codes, subscribed exchange lines, and direct connect facilities is the responsibility of the Customer. All calls placed using direct connect facilities, subscribed exchange lines, or Authorization Codes will be billed to and must be paid by the Customer. Charges based on actual usage during a month and any accrued interest will be billed monthly in arrears.
- 2.10.3 All bills are presumed accurate, and shall be binding on the customer unless objection is received by the Company in writing within 180 days after such bills are rendered. No credits, refunds, or adjustments shall be granted if demand therefore is not received by the Company in writing within such 180 day period.

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EFFECTIVE: , 2000

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TELECOMMUNICATIONS SERVICES TARIFF**2.11 Collection Costs**

In the event Company is required to initiate legal proceedings to collect any amounts due to Company, or to enforce any judgment obtained against a Customer, or for the enforcement of any other provision of this tariff or applicable law, Customer shall, in addition to all amounts due, be liable to Company for all reasonable costs incurred by Company in such proceedings and enforcement actions, including reasonable attorneys' fees, collection agency fees or payments, and court costs. In any such proceeding, the amount of collection costs, including attorneys' fees, due to the Company, will be determined by a court of competent jurisdiction or by the Commission.

**2.12 Taxes**

All federal, state and local taxes, assessments, surcharges, or fees, including sales taxes, use taxes, gross receipts taxes, and municipal utilities taxes, are billed as separate line items and are not included in the rates quoted herein.

**2.13 Late Charge**

A late fee of 1.5% per month or the amount otherwise authorized by law, whichever is lower, will be charged on any past due balances.

**2.14 Returned Check Charge**

A fee of \$20.00 will be charged whenever a check or draft presented for payment for service is not accepted by the institution on which it is written.

**2.15 Reconnection Charge**

A reconnection fee of \$25.00 per occurrence will be charged when service is reestablished for Customers which have been disconnected due to non-payment. Payment of the reconnection fee and any other outstanding amounts will be due in full prior to reconnection of service.

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Charles Taylor, Member  
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Oklahoma City, Oklahoma 73112

TELECOMMUNICATIONS SERVICES TARIFFSECTION 3 - DESCRIPTION OF SERVICE3.1 Computation of Charges

3.1.1 The total charge for each completed call may be a variable measured charge dependent on the duration, distance and time of day of the call. The total charge for each completed call may also be dependent only on the duration of the call, i.e. a statewide flat rate per minute charge. The variable measured charge is specified as a rate per minute which is applied to each minute. All calls are measured in increments as set forth in the Rates Section of this tariff. All calls are rounded up to the next whole increment.

3.1.2 Where mileage bands appear in a rate table, rates for all calls are based upon the airline distance between the originating and terminating points of the call, as determined by the vertical and horizontal coordinates associated with the exchange (the area code and three digit central office code) associated with the originating and terminating telephone numbers. If the Customer obtains access to the Company's network by a dedicated access circuit, that circuit will be assigned an exchange for rating purposes based upon the Customer's main telephone number at the location where the dedicated access circuit terminates. The vertical and horizontal (V & H) coordinates for each exchange and the airline distance between them will be determined according to industry standards.

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TELECOMMUNICATIONS SERVICES TARIFF

3.1.3 Timing begins when the called station is answered and two way communication is possible, as determined by standard industry methods generally in use for ascertaining answer, including hardware answer supervision in which the local telephone company sends a signal to the switch or the software utilizing audio tone detection. Recognition of answer supervision is the responsibility of the Underlying Carrier. Timing for each call ends when either party hangs up. The Company will not bill for uncompleted calls.

3.2 Customer Complaints and/or Billing Disputes

Customer inquiries or complaints regarding service or accounting may be made in writing or by telephone to the Company at:

6051 N. Brookline, #121  
Oklahoma City, Oklahoma 73112  
(888) 916-2835

An objection to billed charges should be reported promptly to the Company. Adjustments to Customers' bills shall be made to the extent that records are available and/or circumstances exist which reasonably indicate that such charges are not in accordance with approved rates or that an adjustment may otherwise be appropriate.

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Oklahoma City, Oklahoma 73112

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The Company will respond within seventy two (72) hours of receipt of an inquiry. If the Customer is dissatisfied with the Company's response to a complaint or inquiry, the Customer may file a complaint with the Commission for resolution of the conflict. The South Dakota Public Utilities Commission can be reached at:

500 East Capitol  
Pierre, SD 57501-5070  
(605) 773-3201  
(800) 332-1782  
TTY through Relay Service South Dakota-  
(800) 877-1113

If a Customer accumulates more than One Dollar of undisputed delinquent Company 800 Service charges, the Company Resp. Org. reserves the right not to honor that Customer's request for a Resp. Org. change until such undisputed charges are paid in full.

### 3.3 Level of Service

A Customer can expect end to end network availability of not less than 99% at all times for all services.

### 3.4 Billing Entity Conditions

When billing functions on behalf of the Company or its intermediary are performed by local exchange telephone companies or others, the payment of charge conditions and regulations of such companies and any regulations imposed upon these companies by regulatory bodies having jurisdiction apply. The Company's name and toll-free telephone number will appear on the Customer's bill.

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**3.5 Service Offerings****3.5.1 1+ Dialing**

This service permits Customers to originate calls via switched or dedicated access lines, and to terminate intrastate calls. The customer dials "1+" followed by "ten digits" or dials "101XXXX" followed by "1+ ten digits".

**3.5.2 Travel Cards**

The Customer utilizes an 11 digit "toll-free" access number established by the Company to access a terminal. Upon receiving a voice prompt, the Customer uses push button dialing to enter an identification code assigned by the Company, and the ten digit number of the called party.

**3.5.3 800 Service (Toll-Free)**

This service is inbound calling only where an 800, 888 or other toll-free prefix number rings into a Customer's premise routed to a specific telephone number or terminated over a dedicated facility.

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## 3.5.4 Company Prepaid Calling Cards

This service permits use of Prepaid Calling Cards for placing long distance calls. Customers may purchase Company Prepaid Calling Cards at a variety of retail outlets or through other distribution channels. Company Prepaid Calling Cards are available at a variety of face values ranging from five dollars (\$5.00), in one dollar (\$1.00) increments. Company Prepaid Calling Card service is accessed using the Company toll-free number printed on the card. The caller is prompted by an automated voice response system to enter his/her Authorization Code, and then to enter the terminating telephone number. The Company's processor tracks the call duration on a real time basis to determine the number of Telecom Units consumed. The total consumed Telecom Units for each call is deducted from the remaining Telecom Unit balance on the Customer's Company Prepaid Calling Card.

All calls must be charged against Prepaid Calling Card that has a sufficient Telecom Unit balance. A Customer's call will be interrupted with an announcement when the balance is about to be depleted.

In order to continue the call, the Customer can either call the toll-free number on the back of the Company Prepaid Calling Card and "recharge" the balance on the card using a nationally recognized credit card, or the Customer can throw the card away and purchase a new one. Calls in progress will be terminated by the Company if the balance on the Company Prepaid Calling Card is insufficient to continue the call and the Customer fails to enter the number of another valid Company Prepaid Calling Card prior to termination.

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The expiration date will be printed on all cards. The Company will not refund unused balances.

A credit allowance for Company Prepaid Calling Card Service is applicable to calls that are interrupted due to poor transmission, one-way transmission, or involuntary disconnection of a call. To receive the proper credit, the Customer must notify the Company at the designated toll-free customer service number printed on the Company Prepaid Calling Card and furnish the called number, the trouble experienced (e.g. cut-off, noisy circuit, etc.), and the approximate time that the call was placed.

When a call charged to a Company Prepaid Calling Card is interrupted due to cut-off, one-way transmission, or poor transmission conditions, the Customer will receive a credit equivalent of one Telecom Unit.

Credit allowances for calls pursuant to Company Prepaid Card Service do not apply for interruptions not reported promptly to the Company or interruptions that are due to the failure of power, equipment or systems not provided by the Company.

Credit for failure of service shall be allowed only when such failure is caused by or occurs due to causes within the control of the Company.

The Company will block all calls beginning with the NPA "900" and NXX "976" calls, therefore such calls can not be completed.

ISSUED: April 11, 2000

ISSUED BY:

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Oklahoma City, Oklahoma 73112

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TELECOMMUNICATIONS SERVICES TARIFF

## 3.5.5 Directory Assistance.

Access to long distance directory assistance is obtained by dialing 1 + 555-1212 for listings within the originating area code and 1 + (area code) + 555-1212 for other listings. When more than one number is requested in a single call, a charge will apply for each number requested. A charge will be applicable for each number requested, whether or not the number is listed or published.

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SECTION 4 - RATES

4.1 1+ Dialing

\$0.15 per minute

A \$4.95 per month service charge applies.  
Billed in one minute increments.

4.2 Travel Cards

\$.199 per minute

A \$.25 per call service charge applies.  
Billed in one minute increments.

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4.3 Toll Free

\$0.15 per minute

A \$10 per month per number service charge applies.  
 Billed in one minute increments.

4.4 Prepaid Calling Cards

<u>Program</u>	
A	\$.015 Per Telecom Unit
B	\$.019 Per Telecom Unit
C	\$.025 Per Telecom Unit
D	\$.029 Per Telecom Unit
E	\$.032 Per Telecom Unit
F	\$.035 Per Telecom Unit
G	\$.039 Per Telecom Unit
H	\$.045 Per Telecom Unit
I	\$.05 Per Telecom Unit
J	\$.06 Per Telecom Unit
K	\$.07 Per Telecom Unit
L	\$.08 Per Telecom Unit
M	\$.09 Per Telecom Unit
N	\$.10 Per Telecom Unit
O	\$.11 Per Telecom Unit
P	\$.12 Per Telecom Unit
Q	\$.13 Per Telecom Unit
R	\$.14 Per Telecom Unit
S	\$.15 Per Telecom Unit
T	\$.19 Per Telecom Unit
U	\$.20 Per Telecom Unit
V	\$.25 Per Telecom Unit
W	\$.29 Per Telecom Unit
X	\$.30 Per Telecom Unit
Y	\$.33 Per Telecom Unit
Z	\$.35 Per Telecom Unit
AA	\$.39 Per Telecom Unit
BB	\$.40 Per Telecom Unit
CC	\$.50 Per Telecom Unit

A \$.59 per call service charge applies.

ISSUED: April 11, 2000

ISSUED BY:

EFFECTIVE: , 2000

Charles Taylor, Member  
 6051 N. Brookline, #121  
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NATEL, LLC

ORIGINAL SHEET 31  
SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

4.5 Directory Assistance

\$ .95

4.6 Returned Check Charge

\$20.00

ISSUED: April 11, 2000

EFFECTIVE: , 2000

ISSUED BY:

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Oklahoma City, Oklahoma 73112

4.7 Rate Periods

	Monday - Friday	Sat.	Sun.
8 a.m. to 5 p.m.*	Daytime Rate Period		
5 p.m. to 11 p.m.*	Evening Rate Period		Evening Rate Period
11 p.m. to 8 a.m.*	Night/Weekend Rate Period		

\* To, but not including  
When a message spans more than one rate period, total charges for the minutes in each rate period are calculated and the results for each rate period are totaled to obtain the total message charge. If the calculation results in a fractional charge, the amount will be rounded down to the lower cent.

4.8 Payphone Dial Around Surcharge

A dial around surcharge of \$.35 per call will be added to any completed INTRASTATE toll access code and subscriber 800/888 type calls placed from a public or semi-public payphone.

4.9 Universal Service Fund Assessment & Presubscribed Interexchange Carrier Charge

The Customer will be assessed a monthly federal Universal Service Fund Contribution charge on all telecommunications services, which in no event shall be less than the prevailing contribution percentage rate charged the Company on intrastate traffic by the Universal Service Administrative Company (or any successor) or any state agency or its administrator. A Presubscribed Interexchange Carrier Charge ("PICC") applies on a monthly basis to all Customer monthly bills at the prevailing rate.

ISSUED: April 11, 2000

EFFECTIVE: \_\_\_\_\_, 2000

ISSUED BY:

Charles Taylor, Member  
6051 N. Brookline, #121  
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NATEL, L.L.C.  
PH. 405-858-0003  
6051 N. BROOKLINE, STE. 121  
OKLAHOMA CITY, OK 73112

NATIONSBANK, N.A.  
OKLAHOMA  
39-1/1030 44

477

PAY  
TO THE  
ORDER OF

\*\*\*\* TWO HUNDRED FIFTY & 0/100 DOLLARS

DATE

AMOUNT

3/1/00

\$\*\*\*\*\*250.00

S. Dakota Public Utilities Comm.



⑈00477⑈ ⑆103000017⑆ 2863612976⑈

NATEL, L.L.C.

477

Vendor ID : S. DAK

Name : S. Dakota Public Utilities Comm.

Check Date : 3/1/00

Check Amount : 250.00

MEMO:

Certification Filing

TC00-068

**South Dakota Public Utilities Commission**  
**WEEKLY FILINGS**  
For the Period of April 6, 2000 through April 12, 2000

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact  
Delaine Kolbo within five business days of this filing.  
Phone: 605-773-3705 Fax: 605-773-3809

**CONSUMER COMPLAINTS**

**CT00-060** In the Matter of the Complaint filed by Don and Judy Blindauer, Mitchell, South Dakota, against Sprint Communications Company L.P. Regarding Unauthorized Switching of Long Distance Provider.

The complainants allege that they received charges for long distance out of state phone service from Sprint on their December phone bill. They never authorized Sprint to be a carrier and they had a "freeze" on their phone service to prevent being slammed. The charges from Sprint were high, ranging from .57 cents per minute to \$3.09 per minute. They received another bill from Sprint in February and they continue to get bills from their chosen carrier I-Link. The complainants are requesting that the Sprint rates be re-rated to the charges they would have received with I-Link and that they be paid \$1000.00 for the inconvenience. The complainants would like to see Sprint heavily fined in order to put a stop to this type of thing. The complainants want to be sure that Sprint is off of their phone service and if they have to attend a hearing in Pierre, they feel that Sprint should have to pay their expenses.

Staff Analyst: Charlene Lund  
Staff Attorney: Karen Cremer  
Date Docketed: 04/06/00  
Intervention Deadline: NA

**ELECTRIC**

**EL00-010** In the Matter of the Application of Black Hills Corporation for Authority to Issue Common Stock and Preferred Stock.

On April 10, 2000, Black Hills Corporation submitted an application for authority to issue common stock and preferred stock related to the agreement and plan of merger between Black Hills Corporation and Indeck Capital, Inc.

Staff Analyst: Heather Forney  
Staff Attorney: Camron Hoseck  
Date Docketed: 04/10/00  
Intervention Deadline: 04/28/00

**EL00-011** In the Matter of the Application of Black Hills Corporation to Authorize Gerald R. Forsythe to Acquire Control, Directly or Indirectly, of more than 10% of the Total Capital Stock of Black Hills Corporation.

On April 10, 2000, Black Hills Corporation submitted an application to authorize Gerald R Forsythe to acquire control, directly or indirectly, of more than 10% of the total capital stock of Black Hills Corporation. This application pertains to the proposed merger between Black Hills Corporation and Indeck Capital, Inc.

Staff Analyst: Heather Forney  
Staff Attorney: Camron Hoseck  
Date Docketed: 04/10/00  
Intervention Deadline: 04/28/00

## TELECOMMUNICATIONS

**TC98-203 In the Matter of the Filing for Approval of a Second Amendment to the Interconnection Agreement between FirsTel, Inc. and U S WEST Communications, Inc.**

An amendment, termed a "second" amendment to an interconnection agreement between FirstTel, Inc. and U S WEST Communications, Inc., has been filed with the Commission for approval pursuant to 47 U.S.C. Section 252(e). The interconnection agreement amends a prior agreement approved by the Commission on September 14, 1999 in docket TC98-203. The amendment purports to allow FirsTel to access certain preexisting combinations of unbundled network elements in accordance with the FCC's November 5, 1999 Order and related federal regulations. It will add terms, conditions and rates with regard to unbundled network elements. Pending at this time is a first amendment of the same interconnection agreement.

Staff Attorney: Camron Hoseck  
Date Docketed: 04/12/00  
Intervention Deadline: 04/28/00

**TC99-086 In the Matter of the Filing for Approval of a Second Amendment to the Interconnection Agreement between DSLnet Communications, LLC and U S WEST Communications, Inc.**

An amendment, termed a "second" amendment to an interconnection agreement between DSLnet Communications, LLC and U S WEST Communications, Inc., has been filed with the Commission for approval pursuant to 47 U.S.C. Section 252(e). The interconnection agreement amends a prior agreement approved by the Commission on September 23, 1999 in docket TC99-086. The amendment purports to allow DSLnet to access certain preexisting combinations of unbundled network elements in accordance with the FCC's November 5, 1999 Order and related federal regulations. It will add terms, conditions and rates with regard to unbundled network elements.

Staff Attorney: Camron Hoseck  
Date Docketed: 04/12/00  
Intervention Deadline: 04/28/00

- TC00-065** In the Matter of the Filing by South Dakota Independent Telephone Coalition for Approval of Reciprocal Transport and Termination Agreement between G.C.C. License L.L.C. and Brookings Municipal Telephone Company.
- TC00-066** In the Matter of the Filing by South Dakota Independent Telephone Coalition for Approval of Reciprocal Transport and Termination Agreement between G.C.C. License L.L.C. and Cheyenne River Sioux Tribe Telephone Authority.
- TC00-067** In the Matter of the Filing by South Dakota Independent Telephone Coalition for Approval of Reciprocal Transport and Termination Agreement between G.C.C. License L.L.C. and Tri County Telcom, Inc.

The above companies (TC00-065, TC00-066, TC00-067) have each filed a reciprocal transport and termination agreement which was negotiated and entered into between them and G.C.C. License L.L.C. which is an affiliate of Western Wireless Corporation. Commission approval is sought pursuant to 46 U.S.C. Section 252(e).

Staff Attorney: Camron Hoseck  
Date Docketed: 04/07/00  
Intervention Deadline: 04/28/00

- TC00-068** In the Matter of the Filing by U S WEST Communications, Inc. Regarding the Sale of Exchanges in Nebraska and Minnesota.

"U S WEST Communications and Citizens [Communications] have entered into transactions whereby Citizens will purchase 14 U S WEST exchanges in Nebraska and 43 [U S WEST] exchanges in Minnesota....Approximately 95 South Dakota customers are served out of the Valentine, Nebraska exchange and approximately 520 South Dakota customers are served out of the Ortonville-Big Stone, Minnesota exchange....[U S WEST and Citizens] respectfully request that the Commission, as expeditiously as possible, issue two separate statements that: 1) contingent on the Nebraska Public Service Commission's approval of the Nebraska sale, the Commission does not object to the FCC granting study area waivers nor to any configuration of study area boundaries involving the South Dakota portion of the Valentine, Nebraska exchange and; 2) contingent on the State of Minnesota Public Utilities Commission's approval of the Minnesota sale, the Commission does not object to the FCC granting study area waivers nor to any configuration of study area boundaries involving the South Dakota portion of the Ortonville-Big Stone, Minnesota exchange."

Staff Analyst: Harlan Best  
Staff Attorney: Camron Hoseck  
Date Docketed: 04/10/00  
Intervention Deadline: 04/28/00

- TC00-069** In the Matter of the Application of Natel, LLC for a Certificate of Authority to Provide Telecommunications Services in South Dakota.



Natel, LLC submitted an application to provide resold interexchange telecommunications services in South Dakota. The applicant proposes to offer 1+ and 101XXXX direct outbound dialing, 800/888 toll-free inbound dialing, travel card service, and prepaid calling card services.

Staff Analyst: Heather Forney

Staff Attorney: Karen Cremer

Date Docketed: 04/11/00

Intervention Deadline: 04/28/00

**TC00-970 In the Matter of the Application of Enhanced Communications Group, L.L.C. d/b/a ECG, L.L.C. for a Certificate of Authority to Provide Telecommunications Services in South Dakota.**

Enhanced Communications Group, L.L.C. d/b/a ECG, L.L.C. has filed a request for a Certificate of Authority to offer resold interexchange services, including message toll service, including 800/888, and travel card services throughout South Dakota.

Staff Analyst: Michele Farns

Staff Attorney: Karen Cremer

Date Docketed: 04/12/00

Intervention Deadline: 04/28/00

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION OF )  
NATEL, LLC FOR A CERTIFICATE OF )  
AUTHORITY TO PROVIDE INTEREXCHANGE )  
TELECOMMUNICATIONS SERVICES IN )  
SOUTH DAKOTA )

ORDER GRANTING  
CERTIFICATE OF  
AUTHORITY

TC00-069

On April 11, 2000, the Public Utilities Commission (Commission), in accordance with SDCL 49-31-3 and ARSD 20:10:24:02, received an application for a certificate of authority from Natel, LLC (Natel).

Natel proposes to provide long distance telecommunications services over resold transmission facilities throughout South Dakota. A proposed tariff was filed by Natel. The Commission has classified long distance service as fully competitive.

On April 13, 2000, the Commission electronically transmitted notice of the filing and the intervention deadline of April 28, 2000, to interested individuals and entities. No petitions to intervene or comments were filed and at its November 30, 2000, meeting, the Commission considered Natel's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to the condition that Natel not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission.

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 20:10:24:03. The Commission finds that Natel has met the legal requirements established for the granting of a certificate of authority. Natel 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 Natel's application for a certificate of authority, subject to the condition that Natel not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission. As the Commission's final decision in this matter, it is therefore

ORDERED, that Natel's application for a certificate of authority is hereby granted, subject to the condition that Natel not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission. It is

FURTHER ORDERED, that Natel shall file informational copies of tariff changes with the Commission as the changes occur.

Dated at Pierre, South Dakota, this 7<sup>th</sup> day of December, 2000.

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, by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By	<u>Melaine Kelso</u>
Date	<u>12/7/00</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner

Laska Schoenfelder  
LASKA SCHOENFELDER, Commissioner

# SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

## CERTIFICATE OF AUTHORITY

To Conduct Business As A Telecommunications Company  
Within The State of South Dakota

Authority was Granted November 30, 2000  
Docket No. TC00-069

This is to certify that

**NATEL, LLC**

is authorized to provide interexchange telecommunications services in  
South Dakota, subject to the condition that Natel, LLC not offer a prepaid  
calling card or require deposits or advance payments without prior  
approval of the Commission.

This certificate is issued in accordance with SDCL 49-31-3 and ARSD  
20-10-24-02, and is subject to all of the conditions and limitations contained in the  
rules and statutes governing its conduct of offering telecommunications services.

Dated at Pierre, South Dakota, this 7<sup>th</sup> day of November, 2000.

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION:

  
*James A. Burg*  
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JAMES A. BURG, Chairman

*Pam Nelson*  
\_\_\_\_\_  
PAM NELSON, Commissioner

*Laska Schoenfelder*  
\_\_\_\_\_  
LASKA SCHOENFELDER, Commissioner