

In the Matter of

IN THE MATTER OF CRG
INTERNATIONAL, INC. D/B/A
NETWORK ONE'S FAILURE TO
SUBMIT A REPORT AND PAY THE
GROSS RECEIPTS TAX

Public Utilities Commission of the State of South Dakota

DATE

MEMORANDA

11/21/01 Order for and Notice of Show Cause Hearing.
 11/21/01 Reply Filing.
 11/16/01 Paid Gross Receipts Tax.
 12/13/01 Paid Penalty.
 12/13/01 Paid Credit.

401-1091

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

IN THE MATTER OF CRG INTERNATIONAL,)	ORDER FOR AND NOTICE
INC. D/B/A NETWORK ONE'S FAILURE TO)	OF SHOW CAUSE HEARING
SUBMIT A REPORT AND PAY THE GROSS)	
RECEIPTS TAX)	TC01-169

SDCL 49-1A-1 establishes the South Dakota Public Utilities Commission (Commission) Gross Receipts Tax Fund. This fund is financed by assessing a tax of 0015 or \$250, whichever is greater, on the annual intrastate gross receipts received by a utility from the company's customers within the state of South Dakota, and requires that all telecommunications companies submit on June 1, each year, a report of the amount of such gross receipts received during the preceding calendar year and pay the tax. A penalty of 10% of the tax is imposed for each month of delinquency.

Despite reminder letters from the Commission on May 3, 2001 and July 13, 2001, CRG International, Inc. d/b/a Network One (CRG) has failed to file the required report and pay the gross receipts tax.

Pursuant to SDCL 49-1A-6, the Commission may collect this debt by distress and sale of any personal property of the company within South Dakota. Further, the Commission has the authority, under SDCL 49-31-3, to suspend or revoke the certificate of authority granted to the company; assess a civil fine against the company from \$200 to \$1,000 under SDCL 49-31-38; proceed under SDCL 49-31-38 2 or 49-31-38 3 to stop the company from transacting any future business in South Dakota, or take any other enforcement actions against the company allowed by law.

CRG shall appear on December 12, 2001, at 3:00 P.M. (CST) in the Cactus Conference Room, State Capitol Building, 500 E. Capitol, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A. The hearing is being held pursuant to the Commission's jurisdiction over telecommunications companies found at 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.

The issue at the hearing is whether the Commission shall fine, or suspend or revoke CRG's Certificate of Authority, assess a civil fine against the company, and/or institute collection proceedings against CRG for failure to pay gross receipts tax.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided.

if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission shall determine whether to fine, or suspend or revoke CRG's Certificate of Authority, assess a civil fine against the company, and/or institute collection proceedings against CRG for failure to pay gross receipts tax. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that a show cause hearing in the matter of CRG shall be held on December 12, 2001, at 3:00 P.M. (CST) in the Cactus Conference Room, State Capitol Building, 500 E. Capitol, Pierre, South Dakota. And it is

FURTHER ORDERED, that, in the event CRG shall file an appropriate report and pay the delinquent gross receipts tax, including the 10% penalty for each month of delinquency, the hearing and actions mentioned herein shall not be held or taken, otherwise this order shall remain in effect.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 7th day of November, 2001

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 facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u><i>Rebecca Kallio</i></u>
Date:	<u>11/8/01</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

**U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only, No Insurance Coverage Provided)**

1945 5481
1025
4000
3220 0000
7099 3220 0000 5481

Article Sent To:
CRJ Intl

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		Postmaster's Mark
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Name (Please Print Clearly) (To be completed by addressee)

Street, Apt. No., or PO Box No.
7100 Eagle Crest Blvd

City, State, ZIP+4
Evansville, IN 47715-8152

PS Form 3800, July 1999

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

169

I also wish to receive the following services (for an extra fee):

1. Addressee's Address

2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
*CRJ International, Inc.
dba Network One
Evansville, IN
47715-8152*

4a. Article Number
7099 3220 0000 5481

4b. Service Type

Registered
 Insured
 Return Receipt by First-class
 Certified
 Insured
 COD

7. Date of Delivery

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)
Chris H. Wood

47715

Thank you for using the U.S. Postal Service.

South Dakota Public Utilities Commission

WEEKLY FILINGS

For the Period of November 1, 2001 through November 7, 2001

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

CT01-049 In the Matter of the Complaint filed by Ida Lagge, Scotland, South Dakota, against MCI WorldCom Regarding Unauthorized Switching of Services.

Complainant states that she continuously receives calls from MCI asking her to change her long distance service to MCI. Each time Complainant states that she told the caller that she did not want to change providers. To Complainant's knowledge, she did not change her long distance provider to MCI. Complainant became aware that her long distance had been changed when she attempted to make a long distance call and she had no long distance service on her line. Complainant requests that the Commission review the tape of her conversation with the MCI representative and put sanctions on MCI. Complainant also requests that all charges be removed and that she be awarded \$1,500.00 from MCI for the undue harassment, mental anguish and the many sleepless nights they have caused her.

Staff Analyst: Mary Healy
Staff Attorney: Karen Cremer
Date Docketed: 11/06/01
Intervention Deadline: N/A

CT01-050 In the Matter of the Complaint filed by Margaret Underwood, Pierre, South Dakota, against Talk America, Inc. Regarding Failure to Cancel Telecommunications Services.

Complainant states that she is receiving unauthorized billings by Talk America, Inc. Complainant further states that the company told her that they would remove the monthly charge and refund her money, but on the next bill she was charged again and not given a refund. Complainant states she wants the account closed and a complete refund of all charges.

Staff Analyst: Charlene Lund
Staff Attorney: Kelly Frazier
Date Docketed: 11/07/01
Intervention Deadline: N/A

ELECTRIC

EL01-026 In the Matter of the Filing by Otter Tail Power Company for Approval of an Electric Service Agreement for the Supply of Bulk Interruptible Power between Otter Tail Power Company and Valley Queen Cheese Factory, Inc.

On November 2, 2001, the Commission received a filing from Otter Tail Power Company in accordance with South Dakota Codified Law 49-34A. The Agreement is entered into pursuant to Otter Tail's Bulk Interruptible Service Tariff, as on file with the Commission.

Staff Analyst: Dave Jacobson
Staff Attorney: Kelly Frazier
Date Docketed: 11/02/01
Intervention Deadline: 11/23/01

Report and Pay the Gross Receipts Tax.

- TC01-170 In the Matter of Enhanced Communications Network, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC01-171 In the Matter of erbia Network, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC01-172 In the Matter of Internet Telephone Company's Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC01-173 In the Matter of JATO Operating Two Corp.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC01-174 In the Matter of LDC Telecommunications, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC01-175 In the Matter of NewPath Holdings, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC01-176 In the Matter of Ozark Telecom, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC01-177 In the Matter of PAM Oil, Inc. d/b/a PAM Communications' Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC01-178 In the Matter of PNV, Inc. f/k/a PNV.net, Inc. f/k/a Park 'N View, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC01-179 In the Matter of ServiSense.com, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC01-180 In the Matter of SouthNet Telecomm Services, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC01-181 In the Matter of Special Accounts Billing Group, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC01-182 In the Matter of Telera Communications, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC01-183 In the Matter of Telicor Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC01-184 In the Matter of Telscape USA, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC01-185 In the Matter of Teltrust Communications Services, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC01-186 In the Matter of TotalAccess.com, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC01-187 In the Matter of Vee Em, Inc. f/k/a Speer Virtual Media, Ltd.'s Failure to Submit a Report and Pay the Gross Receipts Tax.

NETWORK ONE
Integrated Telecom Services for Business

November 14, 2001

RECEIVED

NOV 15 2001

South Dakota Public Utilities Commission
Attn: Ms. Debra Elofson, Executive Director
500 East Capitol
Pierre, South Dakota 57501

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Re: TC01-169, In the Matter of CRG International, Inc. Failure to Submit a Report and Pay the Gross Receipts Tax.

Ms. Elofson:

CRG International, Inc. ("Network One") has received notice of its failure to comply with SDCL Chapter 49-1A and of the action the South Dakota Public Utilities Commission ("Commission") intends to take against the company in response to this non-compliance. Network One failed to submit the Annual Report and pay the Gross Receipts Tax due to the Commission on June 1, 2001. On November 7, 2001, the Commission established Docket No. TC01-169 to address the issue and ordered Network One to appear before the Commission in a hearing on December 12, 2001. In this hearing, Network One is required to show cause why the Commission should not take action against the company for its failure to comply with SDCL 49-1A.

On this date, November 14, 2001, Network One filed with the Commission the Annual Report and payment of the Gross Receipts Tax, thereby showing compliance with SDCL 49-1A. Since Network One's failure to submit the Annual report and pay the Gross Receipts Tax was the only element of the Commission's complaint against the company, Network One believes that it has effectively remedied the problem and shown cause why the Commission should not take action against the company. Furthermore, because the situation has been resolved prior to the hearing date set by the Commission, Network One believes that its presence at the hearing is not required and respectfully asks the Commission to excuse the company from the hearing.

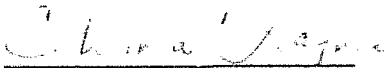
As mentioned above, Network One believes that the Commission complaint raised against the company in Docket No. TC01-169 has been resolved. The company is eager to remain compliant with the Commission's rules and regulations. If there are any additional questions or concerns regarding this correspondence, please contact the undersigned at the numbers listed below.

2000 Riveredge Parkway, Suite 900, Atlanta, Georgia 30328 • www.networkone.com

NETWORK ONE
Integrated Telecom Services for Business

A duplicate copy of this letter has been enclosed. Please date stamp the duplicate and return in the addressed, postage-paid envelope provided.

Sincerely,



China Layne
Regulatory Department
CRG International, Inc.
812-437-7644
Facsimile: 812-437-7988

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION
GROSS RECEIPTS TAX FUND ASSESSMENT

For the Calendar Year ended December 31, 2000

Payment due on June 1, 2001

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

(Independent, Cooperative, Municipal, AOS, Reseller, Cellular, Radio Common Carrier)

Name of Company & D/B/A CRG International, Inc. aka Network One

Address of Company 7100 Eagle Crest Blvd.

Evansville, IN 47715

Tax ID # 58 - 1997766

INTRASTATE - SOUTH DAKOTA

Local Service Revenues

Access Service Revenues

Toll Service Revenues

Any Other SD Intrastate Revenues

TOTAL SD INTRASTATE REVENUES

Assessment (.0015 of South Dakota Gross Revenues or \$250.00 whichever is greater.)

per SDCL 49-1A-3

\$ 250.00

Signed by Company Officer:

[Signature]
 William Stapleton, COO

(Type or Print Name and Title)

Subscribed and sworn to before me this 22nd day of June 2001

(Notary Public)

My Commission expires 6-14-03

JULIE R. BUSE
 A NOTARY PUBLIC, STATE OF SOUTH DAKOTA
 RESIDING IN VANDERBILT COUNTY

(SEAL)

Checks are to be made payable to the State of South Dakota & are due June 1, 2001. (SDCL 49-1A-3)
 Mail form and payment to: Public Utilities Commission, 500 E. Capitol Pierre SD 57501-6070



7100 Eagle Crest Blvd
Evansville, IN 47715
Ph. (812) 437-7728

FIRSTAR BANK, N.A.

55-503422

CHECK
NUMBER

157

DATE

PAY

11/13/01 \$*****250.00

TWO HUNDRED FIFTY ***** 00/100 DOLLARS

TO THE
ORDER
OF

SOUTH DAKOTA PUC
500 EAST CAPITOL
STATE CAPITOL
PIERRE SD 57501 5070

⑈0⑆5736⑈ ⑆042205038⑆ 000488830803⑆

NETWORK ONE

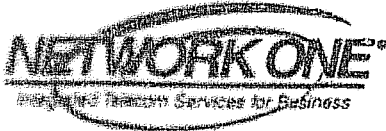
DATE	DOCUMENT DESCRIPTION	MEMO	AMOUNT	DISC	
7/02/01	70201	SD PUC FEES	250.00	.00	157 250

RECEIVED

NOV 16 2001

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IF YOU HAVE ANY QUESTIONS, PLEASE CALL OUR ACCOUNTING DEPT. AT (812) 437-7728, OR FAX US AT (812) 437-7871



7100 Eagle Crest Blvd.
Evansville, IN 47715
Ph. (812) 437-7728

FIRSTAR BANK, N.A.

56-503/422

CHECK
NUMBER

1589

DATE

11/29/01 \$*****125.00
00/100 DOLLARS

ONE HUNDRED TWENTY FIVE *****

PAY

TO THE
ORDER OF

SOUTH DAKOTA PUC
500 EAST CAPITOL
STATE CAPITOL
PIERRE SD 57501 5070

Alan J. Bowes
AUTHORIZED SIGNATURE

⑈015890⑈ ⑆042205038⑆ 000488830803⑈

NETWORK ONE

DATE	DOCUMENT	DESCRIPTION	MEMO	AMOUNT	DISC	
11/27/01	112701		SD PUC LATE FEES	125.00	.00	1589 125.00

RECEIVED

DEC 03 2001

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IF YOU HAVE ANY QUESTIONS, PLEASE CALL OUR ACCOUNTING DEPT. AT (812) 437-7728, OR FAX US AT (812) 437-7971