

DOCKET NO. \_\_\_\_\_

TC01-191

In the Matter of \_\_\_\_\_

IN THE MATTER OF THE PETITION  
FOR AN ORDER TO SHOW CAUSE AS  
TO WHY BUYERSONLINE SHOULD  
NOT BE FOUND TO BE IN VIOLATION  
OF THE LAWS OF THE STATE OF  
SOUTH DAKOTA

Public Utilities Commission of the State of South Dakota

DATE

MEMORANDA

12/18/01 Filed and Docketed;  
 12/19/01 Public Hearing;  
 1/10/02 Order Granting Motion for Order to Show Cause;  
 1/19/02 Order Closing Docket;  
 1/22/02 Docket Closed.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

RECEIVED

IN THE MATTER OF THE PETITION FOR AN )  
ORDER TO SHOW CAUSE AS TO WHY )  
BUYERSONLINE SHOULD NOT BE FOUND )  
TO BE IN VIOLATION OF THE LAWS OF THE )  
STATE OF SOUTH DAKOTA )

PETITION SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

Comes now the undersigned attorney on behalf of the Staff of the South Dakota Public Utilities Commission (hereafter the Commission) and respectfully Petitions the Commission to issue an Order To Show Cause as to why BuyersOnline should not be found in violation of the statutes of the State of South Dakota. In support of the Petition, the following is offered

1. Pursuant to SDCL 49-31-3. The Commission has general supervision and control of all telecommunications companies offering common carrier services within the state to the extent such business is not otherwise regulated by federal law or regulation. The Commission shall inquire into any complaints, unjust discrimination, neglect, or violation of the laws of the state governing such companies. The Commission may exercise powers necessary to properly supervise and control such companies.

Each telecommunications company that plans to offer or provide interexchange telecommunications service shall file an application for a certificate of authority with the Commission pursuant to this section. Telecommunications companies seeking to provide any local exchange service shall submit an application for certification by the Commission pursuant to §§ 49-11-1 through 49-11-89.

2. It is Staff's position that BuyersOnline is in violation of this statute in that they are offering telecommunication services in this state without having applied for a certificate of authority with the Commission.

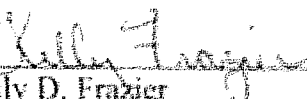
3. Pursuant to 49-1A-3 a tax of .0015 or two hundred fifty dollars, whichever is greater, is imposed upon the annual intrastate gross receipts derived by the public utility or telecommunications company from its customers within the State of South Dakota during the preceding calendar year

4. It is Staff's position that BuyersOnline has been doing business in the State of South Dakota since 1998, yet has only paid gross receipt taxes for the year 2000. See attached Annual Report and letter from staff to BuyersOnline.

Wherefore, the undersigned attorney prays the Commission issue an Order To Show Cause as to why BuyersOnline should not be found in violation of the statutes of the State of South Dakota and

direct that BuyersOnline take whatever actions the Commission deems appropriate in order to come into compliance with the laws of this state.

Dated in Pierre, South Dakota, this 5<sup>th</sup> day of December, 2001.

  
\_\_\_\_\_  
Kelly D. Frazier  
Staff Attorney  
South Dakota Public Utilities Commission  
500 East Capitol Ave.  
Pierre, SD 57501-5070  
(605) 773-3201

# SOUTH DAKOTA PUBLIC UTILITIES COMMISSION ANNUAL REPORT

For the 12 Months Ended December 31, 2000

*Buyers United International, dnc. dba* If you should have questions regarding this report, call Harlan Best at 605-773-1201

Name of carrier: *3iwerksdallas.com, inc.*  
 Address: *14870 S. Pony Express Road*  
*Buffdale, UT 84065*  
 Tax Identification Number \_\_\_\_\_

Does your company have a webpage that includes SD intrastate tariffs? *NO*  
 Yes, provide the site http:// \_\_\_\_\_  
 No. Is your company considering the creation of such a site? Yes *No*

Identify the person at your firm who the SDPUC staff should contact regarding this report

Name of contact person: *Kimm Parttridge*  
 Voice telephone number: *800-323-1177 x3488* Fax telephone number *800-921-9366*  
 e-mail address: *kimm.parttridge@3iwerks.com* Webpage address http:// *www.3iwerks.com*

1. Where in South Dakota, during any part of 2000, did your company provide telecommunications service? This may be provided by exchange name, by city or by zip code. Attach a separate sheet if necessary.  
*through out the state*

2. If your company is providing local exchange services, please separately identify those areas in South Dakota that are being served through resale and those areas that are being served by your own facilities. Attach a separate sheet if necessary.

Areas of S. D. served through Resale	Areas of S. D. served through Own Facilities
<u><i>n/a</i></u>	<u><i>n/a</i></u>

3. Annual revenues from South Dakota Operations, during any part of 2000

Local Service Revenues	<u><i>n/a</i></u>
Access Service Revenues	<u><i>n/a</i></u>
Toll Service Revenues	<u><i>6043</i></u>
Other Revenues	<u><i>n/a</i></u>
<b>Total SD Revenues</b>	<u><i>6043</i></u>

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 MAY 14 2001  
 SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

4. Provide the total fiber miles and total copper miles of outside plant that your company had in South Dakota as of December 31, 2000.

Fiber Miles *n/a* Copper Miles *n/a*

5. Provide the number of customers that currently have access to broadband (200,000 bits per second or at least one direction) services.

Business Customers *n/a* Residential Customers *n/a*

6. Provide the number of customers that currently subscribe to your broadband services.

Business Customers *n/a* Residential Customers *n/a*

7. What technology(ies) is (are) your company using to deploy broadband services?

*n/a*

# SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

## ANNUAL REPORTING REQUIREMENTS FOR LOCAL EXCHANGE CARRIERS (7 digit dialing)

**For the 12 Months Ended December 31, 1999**

If you should have questions regarding this report, call Harlan Best at 605-773-3201.

Name of carrier: Hertz Technologies, Inc.  
 Address: 5601 N.W. Expressway  
OKlahoma City, OK 73132  
 Tax Identification Number 22-3108869

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**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

Identify the person at your firm who the SDPUC staff should contact regarding this report.

Name of contact person: Darcy Wilson  
 Voice telephone number: 405-280-5020  
 Fax telephone number: 405-290-2440  
 e-mail address: dawilson@hertz.com

1. Did your company provide local exchange service in South Dakota during any part of 1999?

- No - see Administrative Rule 20:10:24:04 for data to be filed and return that information and this report to Harlan Best, SDPUC, 500 E. Capitol Ave. Pierre SD 57501
- Yes - please continue

**THE FOLLOWING INFORMATION WILL BE AGGREGATED INTO A REPORT BY  
INDIVIDUAL COMPANY INFORMATION WILL BE TREATED AS CONFIDENTIAL**

2.	How did your company provide local exchange service during 1999, check all that apply?	Percentage of local exchange revenue received from each type of local exchange service provided.
Incumbent carrier		
Resale of incumbent carrier		
Resale of competitive carrier		
Purchased unbundled network elements		
Built own facilities		
Cellular fixed		
Cellular mobile		
PCS		
Radio common carrier		
Other, please describe		

3. Report the following information for South Dakota customers to whom your company provided local exchange service during any part of 1999.

CUSTOMERS AS OF DECEMBER 31, 1999<sup>1</sup>

Number of residential customers \_\_\_\_\_

Number of business customers \_\_\_\_\_

Number of other customers, please identify \_\_\_\_\_

LOCAL EXCHANGE ACCESS LINES AS OF DECEMBER 31, 1999<sup>2</sup>

Number of billed residential access lines \_\_\_\_\_

Number of billed business access lines \_\_\_\_\_

Number of other billed access lines, please identify \_\_\_\_\_

BILLED REVENUES FOR THE 12 MONTHS ENDED DECEMBER 31, 1999

From residential customers \_\_\_\_\_

From business customers \_\_\_\_\_

From other customers \_\_\_\_\_

4. Provide, as an attachment, the zip codes of where in South Dakota your company provided local exchange service during any part of 1999.

5. Provide the total fiber miles and total copper miles of outside plant that your company had in South Dakota as of December 31, 1999.

Fiber Miles \_\_\_\_\_

Copper Miles \_\_\_\_\_

6. Please explain any challenges or problems that your firm has encountered in providing local exchange service.

**RETURN BY JUNE 1, 2000, TO HARLAN BEST, SDPUC, 500 EAST CAPITOL AVENUE, PIERRE, S.D. 57501**

**WOULD YOUR COMPANY LIKE TO RECEIVE A COPY OF THE STAFF REPORT?**

NO

YES

If yes, provide the name and address of the person to whom the report should be mailed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<sup>1</sup> "Customers" means the number of persons or entities that were receiving local exchange service as of December 31, 1999.

<sup>2</sup> "Local Exchange Access Lines" means the transmission paths that linked an end user location with the switching center that provides dial tone.

**HANSON COMMUNICATIONS, INC.  
AND SUBSIDIARY  
SALEM, SOUTH DAKOTA**

**CONSOLIDATED FINANCIAL STATEMENTS  
AS OF DECEMBER 31, 1999 AND 1998  
WITH INDEPENDENT AUDITOR'S REPORT**

**HANSON COMMUNICATIONS, INC.**  
**AND SUBSIDIARY**  
SALEM, SOUTH DAKOTA  
CONTENTS

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	Page
INDEPENDENT AUDITOR'S REPORT ON THE CONSOLIDATED FINANCIAL STATEMENTS	1
CONSOLIDATED FINANCIAL STATEMENTS:	
Consolidated Balance Sheets	2
Consolidated Statements of Income	3
Consolidated Statements of Stockholders' Equity	4
Consolidated Statements of Cash Flows	5
Notes to Consolidated Financial Statements	6
INDEPENDENT AUDITOR'S REPORT ON THE SUPPLEMENTARY INFORMATION	12
SUPPLEMENTARY INFORMATION:	
Consolidated Balance Sheets With Supplementary Consolidating Information - December 31, 1999	13
Consolidated Balance Sheets With Supplementary Consolidating Information - December 31, 1998	14
Consolidated Statements of Income With Supplementary Consolidating Information - December 31, 1999	15
Consolidated Statements of Income With Supplementary Consolidating Information - December 31, 1998	16
Consolidated Statements of Cash Flows with Supplementary Consolidating Information - December 31, 1999	17
Consolidated Statements of Cash Flows with Supplementary Consolidating Information - December 31, 1998	19