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March 20, 2002

**VIA OVERNIGHT DELIVERY**

**RECEIVED**

**MAR 21 2002**

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

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

Re: Kiger Telephone & Telephony, LLC

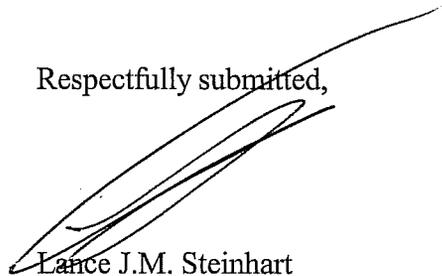
Dear Mr. Bullard:

Enclosed please find one original and ten (10) copies of Kiger Telephone & Telephony, 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 Kiger Telephone & Telephony, LLC

Enclosures

cc: Robert S. Kiger

APPLICATION FOR REGISTRATION  
OF KIGER TELEPHONE & TELEPHONY, LLC  
FILED WITH THE  
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE )  
APPLICATION OF )  
KIGER TELEPHONE & TELEPHONY, LLC )  
FOR AN ORDER )  
AUTHORIZING THE REGISTRATION )  
OF APPLICANT AS A )  
TELECOMMUNICATIONS COMPANY )

Docket No.

RECEIVED  
MAR 21 2002

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

APPLICATION

Application is hereby made to the South Dakota Public Utilities Commission for an Order authorizing Kiger Telephone & Telephony, 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:  
 Kiger Telephone & Telephony, LLC  
 999 18th Street, Suite 1825  
 Denver, Colorado 80202  
 Telephone: (303) 313-0801  
 Toll-Free Customer Service: (800) 375-9997

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

Kiger Telephone & Telephony, LLC

3. Applicant's corporate information:

Applicant was organized in the State of Colorado on September 28, 2001. 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:

TCS Corporate Services, Inc.  
C/O Marilyn Person  
819 West Third  
Pierre, South Dakota 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
Robert S. Kiger	100	100%

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

4. **Partnership Information:**

Not Applicable.

5. **Description of Services Applicant intends to offer:**

Applicant is a reseller which intends to offer interexchange services, including 1+ and 101XXXX outbound dialing, 800/888 toll-free inbound dialing, directory assistance, data services and travel card service. Applicant will not require deposits, advance payments, or prepayments, therefore no bond is required.

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 Global Crossing, 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 as of February 28, 2002 and Profit and Loss Statement for the period January through February 2002, which demonstrates that Applicant has the financial ability to provide the services that it proposes to offer. Applicant hereby respectfully requests a waiver of ARSD 20:10:24:02(8) to the extent it requires applicant to file a current balance sheet, income statement, and cash flow statements, since the Applicant is a start-up and does not produce a cash flow statement.

**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:

Robert S. Kiger, Chief Executive Officer  
999 18th Street, Suite 1825  
Denver, Colorado 80202  
Telephone: (303) 313-0801  
Facsimile: (303) 595-8707  
E-Mail: [rkiger@kigertel.com](mailto:rkiger@kigertel.com)

All inquiries regarding complaints should be addressed to:

Dominic Perez, Director of Operations  
999 18th Street, Suite 1825  
Denver, Colorado 80202  
Telephone: (303) 313-0801; (800) 375-9997 (toll-free)  
Facsimile: (303) 595-8707  
E-Mail: [dperez@kigertel.com](mailto:dperez@kigertel.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 Alabama, Arizona, Colorado, District of Columbia, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Jersey, New York, Ohio, Pennsylvania, Texas, Utah, Virginia, Washington and Wisconsin.

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:**

84-1607744

**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

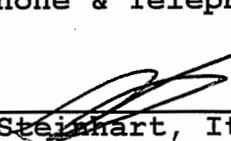
**15. Tariff**

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 20 day of ML, 2002.

**Kiger Telephone & Telephony, LLC**

By:   
Lance J.M. Steinhart, Its Counsel

1720 Windward Concourse  
Suite 250  
Alpharetta, Georgia 30005  
(770) 232-9200

State of Colorado

County of Denver

Robert S. Kiger, being first duly sworn, deposes and says that he/she is the Chief Executive Officer of Kiger Telephone & Telephony, 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.

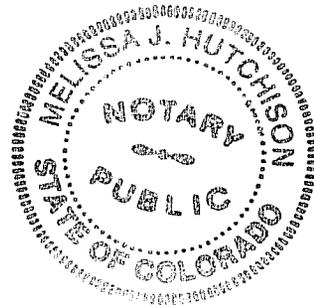


Robert S. Kiger  
Chief Executive Officer

Subscribed and sworn to before this 23<sup>rd</sup> day of January, 2002.

Melissa J. Hutchison  
Notary Public

My Commission expires: 7-17-2004



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

FILED - CUSTOMER COPY  
DOMETTA DAVIDSON  
COLORADO SECRETARY OF STATE

20011189044 C  
\$ 50.00  
SECRETARY OF STATE  
09-28-2001 16:34:47

**ARTICLES OF ORGANIZATION** Form 7.80.204.1 revised 11/13/2000

Filing fee: \$50.00 This document must be typed or machine printed.  
If more space is required, continue on an 8 1/2"x11" attachment.  
Deliver 2 copies to: Colorado Secretary of State, Business Division,  
1560 Broadway, Suite 200, Denver, CO 80202-5169  
Please include a typed or machine printed, self-addressed, envelope.  
For filing requirements, see §§ 7-90-301 and 7-80-204, Colorado Revised Statutes  
For more information, see the *Citizen's Guide to the Business Division* on our  
Web site, <http://www.sos.state.co.us> Questions? Contact the Business Division:  
voice 303 894 2251, fax 303 894 2242 or e-mail [sos.business@state.co.us](mailto:sos.business@state.co.us) ABOVE SPACE FOR OFFICE USE ONLY

The undersigned, a natural person eighteen years of age or older, intending to organize a limited liability company pursuant to §§ 7-80-203, Colorado Revised Statutes (C.R.S.), delivers these Articles of Organization to the Colorado Secretary of State for filing, and states as follows:

1. The name of the limited liability company is: Kiger Telephone & Telephony, LLC  
*The name of a limited liability company must contain the term "limited liability company", "ltd. liability company", "limited liability co.", or "ltd. liability co." or the abbreviation "LLC" or "L.L.C." §7-90-601(3)(c), C.R.S.*

2. *If known*, The principal place of business of the limited liability company is: Not confirmed at this time.

3. The name, and the business address, of the registered agent for service of process on the limited liability company are: Name Robert S. Kiger Business Address: (must be a street or other physical address in Colorado) 5280 South University Blvd. Greenwood Village, CO 80121 *If mail is undeliverable to this address, ALSO include a post office box address:*

4. a. *If the management of the limited liability company is vested in managers, mark the box*  
 "The management of the limited liability company is vested in managers rather than members."

The name(s) and business address(es) of the initial manager(s) is(are):  
Name(s) Robert S. Kiger Business Address(es) 5280 South University Blvd.  
Greenwood Village, CO 80121  
*or*

b. *If management of the limited liability company is not vested in managers rather than members,*  
The name(s) and business address(es) of the initial member(s) is(are):  
Name(s) Business Address(es)

5. The address to which the Secretary of State may send a copy of this document upon completion of filing (or to which the Secretary of State may return this document if filing is refused) is

Organizer  Signer's Name-printed: Robert S. Kiger  
*(individual's signature)*

*OPTIONAL.* The electronic mail and/or Internet address for this entity is/are: e-mail: [Robert.kiger@iccx.net](mailto:Robert.kiger@iccx.net)  
Web site: NA  
The Colorado Secretary of State may contact the following authorized person regarding this document:  
Name: Robert S. Kiger address: 5280 South University Blvd., Greenwood Village, CO 80121  
Voice: 303-313-0801 fax: 303-595-8707 e-mail: [Robert.kiger@iccx.net](mailto:Robert.kiger@iccx.net)

EXHIBIT B - CERTIFICATE OF AUTHORITY

# State of South Dakota



## OFFICE OF THE SECRETARY OF STATE

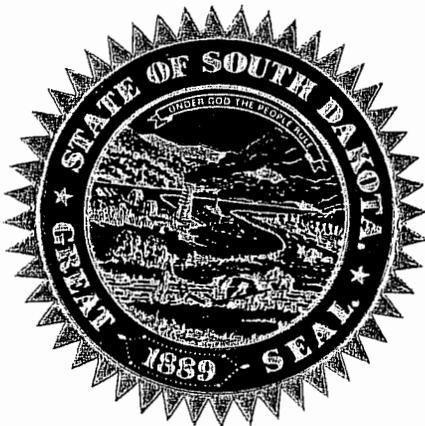
### Certificate of Authority Limited Liability Company

ORGANIZATIONAL ID #: FL001202

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 **KIGER TELEPHONE & TELEPHONY, LLC (CO)** 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 11, 2002.



A handwritten signature in cursive script that reads "Joyce Hazeltine".

Joyce Hazeltine  
Secretary of State

EXHIBIT C - MARKETING MATERIAL  
Not Available

EXHIBIT D - FINANCIAL INFORMATION

2:15 PM  
03/11/02  
Cash Basis

**Kiger Telephone & Telephony, LLC**  
**Balance Sheet**  
As of February 28, 2002

	<u>Feb 28, 02</u>
<b>ASSETS</b>	
Current Assots	
Checking/Savings	
Compass Bank 3160	-14,687.06
Compass Bank 4507	32,626.41
Total Checking/Savings	<u>17,939.35</u>
Other Current Assets	
Advance	27,327.87
Security Deposits	236,000.00
Total Other Current Assots	<u>263,327.87</u>
Total Current Assets	281,267.22
Fixed Assets	
Equipment	155,000.00
Total Fixed Assets	155,000.00
Other Assets	
Customer List	100,000.00
Total Other Assots	<u>100,000.00</u>
<b>TOTAL ASSETS</b>	<u><u>536,267.22</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Sales Tax Payable	-457.44
Total Other Current Liabilities	<u>-457.44</u>
Total Current Liabilities	-457.44
Long Term Liabilities	
Deferred Chargeback Liability	228,000.00
IC&C SpeedCell	240,257.92
Total Long Term Liabilities	<u>468,257.92</u>
Total Liabilities	467,800.48
Equity	
Retained Earnings	25,443.69
Net Income	43,023.05
Total Equity	<u>68,466.74</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>536,267.22</u></u>

  
3-11-02

2:14 PM

03/11/02

Cash Basis

**Kiger Telephone & Telephony, LLC**  
**Profit & Loss**  
 January through February 2002

	Jan - Feb 02
<b>Ordinary Income/Expense</b>	
<b>Income</b>	
Calling Cards	18,639.00
IVR	5,289.60
Long Distance	365,128.90
<b>Total Income</b>	<u>389,057.50</u>
<b>Expense</b>	
Accounting	1,920.00
Bank Fees	332.57
Billing Expense	30,631.43
Carrier Expense	198,548.23
City and Local Taxes	831.99
Contract Labor	3,157.25
Dues and Fees	6,875.50
Federal Excise Tax	1,000.00
Insurance	764.49
Legal Fees	15,431.43
Maintenance Expense	1,625.00
Meals & Entertainment	691.07
Miscellaneous	620.00
Network Expense	4,287.80
Occupational Privilege Tax	48.75
Office Expense	2,623.21
Office Rent	10,609.80
Parking	200.00
Payroll Expenses	32,876.03
Payroll Service	162.20
Payroll Tax Expense	11,208.59
Phone Expense	4,296.16
Postage	2,024.45
Printing Expense	1,871.39
Promotional Expense	647.50
Refund Expense	30.58
Shipping	24.23
State Taxes	4,437.82
Supplies	84.30
Travel Expense	3,020.86
Universal Service Fund	0.83
Wire Transfer Fees	25.00
Wireless Service	39.93
<b>Total Expense</b>	<u>341,037.39</u>
<b>Net Ordinary Income</b>	48,020.11
<b>Other Income/Expense</b>	
<b>Other Income</b>	
Interest Income	38.26
<b>Total Other Income</b>	38.26
<b>Other Expense</b>	
Interest Expense	5,035.32
<b>Total Other Expense</b>	5,035.32
<b>Not Other Income</b>	-4,997.06
<b>Net Income</b>	<u>43,023.05</u>

  
3-11-02

EXHIBIT E - PROPOSED TARIFF

TELECOMMUNICATIONS SERVICES TARIFFTITLE SHEETSOUTH DAKOTA TELECOMMUNICATIONS TARIFF

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service or facilities for Telecommunications Services furnished by Kiger Telephone & Telephony, LLC ("KT&T"), with principal offices at 999 18th Street, Suite 1825, Denver, Colorado 80202. 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:****ISSUED BY:** Robert S. Kiger, Chief Executive Officer  
999 18th Street, Suite 1825  
Denver, Colorado 80202**EFFECTIVE:**

KIGER TELEPHONE & TELEPHONY, LLC

ORIGINAL SHEET 2

SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

RESERVED FOR FUTURE USE

---

ISSUED:

EFFECTIVE:

ISSUED BY: Robert S. Kiger, Chief Executive Officer  
999 18th Street, Suite 1825  
Denver, Colorado 80202

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:**

**ISSUED BY:** Robert S. Kiger, Chief Executive Officer  
999 18th Street, Suite 1825  
Denver, Colorado 80202

**EFFECTIVE:**

TELECOMMUNICATIONS SERVICES TARIFF

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**ISSUED:**

**EFFECTIVE:**

**ISSUED BY: Robert S. Kiger, Chief Executive Officer**  
**999 18th Street, Suite 1825**  
**Denver, Colorado 80202**

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:**

**EFFECTIVE:**

**ISSUED BY:** Robert S. Kiger, Chief Executive Officer  
999 18th Street, Suite 1825  
Denver, Colorado 80202

TELECOMMUNICATIONS SERVICES TARIFF

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:

ISSUED BY: Robert S. Kiger, Chief Executive Officer  
999 18th Street, Suite 1825  
Denver, Colorado 80202

EFFECTIVE:

TELECOMMUNICATIONS SERVICES TARIFFSECTION 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 KT&T - Used throughout this tariff to mean Kiger Telephone & Telephony, LLC, a Colorado 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.

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ISSUED:

ISSUED BY: Robert S. Kiger, Chief Executive Officer  
999 18th Street, Suite 1825  
Denver, Colorado 80202

EFFECTIVE:

TELECOMMUNICATIONS SERVICES TARIFF

Resp. Org - Responsible Organization or entity identified by a Toll-Free service Customer that manages and administers records in the toll free number 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.

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:

ISSUED BY: Robert S. Kiger, Chief Executive Officer  
999 18th Street, Suite 1825  
Denver, Colorado 80202

EFFECTIVE:

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

This tariff contains the regulations and rates applicable to intrastate interexchange telecommunications services provided by the Company for telecommunications between points within the State of South Dakota. 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.

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**ISSUED:****ISSUED BY: Robert S. Kiger, Chief Executive Officer  
999 18th Street, Suite 1825  
Denver, Colorado 80202****EFFECTIVE:**

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 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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**ISSUED:****EFFECTIVE:****ISSUED BY: Robert S. Kiger, Chief Executive Officer**  
999 18th Street, Suite 1825  
Denver, Colorado 80202

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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**ISSUED:****ISSUED BY: Robert S. Kiger, Chief Executive Officer**  
999 18th Street, Suite 1825  
Denver, Colorado 80202**EFFECTIVE:**

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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ISSUED:

ISSUED BY: Robert S. Kiger, Chief Executive Officer  
999 18th Street, Suite 1825  
Denver, Colorado 80202

EFFECTIVE:

TELECOMMUNICATIONS SERVICES TARIFF**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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**ISSUED:****ISSUED BY: Robert S. Kiger, Chief Executive Officer  
999 18th Street, Suite 1825  
Denver, Colorado 80202****EFFECTIVE:**

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.

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**ISSUED:****ISSUED BY: Robert S. Kiger, Chief Executive Officer**  
**999 18th Street, Suite 1825**  
**Denver, Colorado 80202****EFFECTIVE:**

TELECOMMUNICATIONS SERVICES TARIFF

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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**ISSUED:****EFFECTIVE:**

**ISSUED BY: Robert S. Kiger, Chief Executive Officer**  
999 18th Street, Suite 1825  
Denver, Colorado 80202

TELECOMMUNICATIONS SERVICES TARIFF

- 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.

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**ISSUED:****ISSUED BY: Robert S. Kiger, Chief Executive Officer**  
999 18th Street, Suite 1825  
Denver, Colorado 80202**EFFECTIVE:**

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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ISSUED:

ISSUED BY: Robert S. Kiger, Chief Executive Officer  
999 18th Street, Suite 1825  
Denver, Colorado 80202

EFFECTIVE:

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.

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ISSUED:

EFFECTIVE:

ISSUED BY: Robert S. Kiger, Chief Executive Officer  
999 18th Street, Suite 1825  
Denver, Colorado 80202

TELECOMMUNICATIONS SERVICES TARIFF**2.10 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 the applicable contract law statute of limitations. No credits, refunds, or adjustments shall be granted if demand therefore is not received by the Company in writing within such applicable contract law statute of limitations.

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**ISSUED:****ISSUED BY: Robert S. Kiger, Chief Executive Officer**  
999 18th Street, Suite 1825  
Denver, Colorado 80202**EFFECTIVE:**

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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**ISSUED:****EFFECTIVE:**

**ISSUED BY: Robert S. Kiger, Chief Executive Officer**  
**999 18th Street, Suite 1825**  
**Denver, Colorado 80202**

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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**ISSUED BY:** Robert S. Kiger, Chief Executive Officer  
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Denver, Colorado 80202

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:

999 18th Street, Suite 1825  
Denver, Colorado 80202  
(800) 375-9997

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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**ISSUED:**

**ISSUED BY:** Robert S. Kiger, Chief Executive Officer  
999 18th Street, Suite 1825  
Denver, Colorado 80202

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**TELECOMMUNICATIONS SERVICES TARIFF**

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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**ISSUED:**

**ISSUED BY:** Robert S. Kiger, Chief Executive Officer  
999 18th Street, Suite 1825  
Denver, Colorado 80202

**EFFECTIVE:**

TELECOMMUNICATIONS SERVICES TARIFF**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 Toll-Free Service

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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**ISSUED:**

**ISSUED BY:** Robert S. Kiger, Chief Executive Officer  
999 18th Street, Suite 1825  
Denver, Colorado 80202

**EFFECTIVE:**



KIGER TELEPHONE & TELEPHONY, LLC

ORIGINAL SHEET 26

SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

Reserved for Future Use.

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ISSUED:

EFFECTIVE:

ISSUED BY: Robert S. Kiger, Chief Executive Officer  
999 18th Street, Suite 1825  
Denver, Colorado 80202

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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ISSUED:

ISSUED BY: Robert S. Kiger, Chief Executive Officer  
999 18th Street, Suite 1825  
Denver, Colorado 80202

EFFECTIVE:

TELECOMMUNICATIONS SERVICES TARIFF

## 3.5.6 Specialized Pricing Arrangements.

Customized service packages and competitive pricing packages at negotiated rates may be furnished on a case-by-case basis in response to requests by Customers to the Company for proposals or for competitive bids. Service offered under this tariff provision will be filed with the Commission. Specialized rates or charges will be made available to similarly situated Customers on a non-discriminatory basis. The Company will notify the Commission of such arrangements as required by Commission rules and regulations.

## 3.5.7 Emergency Call Handling Procedures

Emergency "911" calls are not routed to company, but are completed through the local network at no charge.

## 3.5.8 Promotional Offerings

The Company may, from time to time, make promotional offerings to enhance the marketing of its services. These offerings may be limited to certain dates, times and locations. The Company will notify the Commission of such offerings as required by Commission rules and regulations.

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**ISSUED:**

**ISSUED BY:** Robert S. Kiger, Chief Executive Officer  
999 18th Street, Suite 1825  
Denver, Colorado 80202

**EFFECTIVE:**

TELECOMMUNICATIONS SERVICES TARIFF

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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ISSUED:

ISSUED BY: Robert S. Kiger, Chief Executive Officer  
999 18th Street, Suite 1825  
Denver, Colorado 80202

EFFECTIVE:

TELECOMMUNICATIONS SERVICES TARIFF

4.3 Toll Free

\$0.15 per minute

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

4.4 Reserved for Future Use.

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ISSUED:

ISSUED BY: Robert S. Kiger, Chief Executive Officer  
999 18th Street, Suite 1825  
Denver, Colorado 80202

EFFECTIVE:

TELECOMMUNICATIONS SERVICES TARIFF

4.5 Directory Assistance

\$.95

4.6 Returned Check Charge

\$20.00

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ISSUED:

ISSUED BY: Robert S. Kiger, Chief Executive Officer  
999 18th Street, Suite 1825  
Denver, Colorado 80202

EFFECTIVE:

**TELECOMMUNICATIONS SERVICES TARIFF**

**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 \$.50 per call will be added to any completed INTRASTATE toll access code and subscriber toll-free 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 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 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:**

**EFFECTIVE:**

**ISSUED BY: Robert S. Kiger, Chief Executive Officer  
999 18th Street, Suite 1825  
Denver, Colorado 80202**

KIGER TELEPHONE & TELEPHONY, LLC  
999 18TH ST., SUITE 1825  
DENVER, CO 80202

COMPASS BANK  
DENVER, CO  
82-531/1070

5159

1/25/2002

PAY TO THE ORDER OF SD Public Utilities Commission

\$ \*\*250.00

Two Hundred Fifty and 00/100\*\*\*\*\* DOLLARS

SD Public Utilities Commission

MP

⑈005159⑈ ⑆107005319⑆ 0085683160⑈

KIGER TELEPHONE & TELEPHONY, LLC

5159

SD Public Utilities Commission

1/25/2002

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
01/24/2002	Bill	Filing Fees	250.00	250.00		250.00
				Check Amount		250.00

TC 02-026

Compass Bank 3160

250.00

**South Dakota Public Utilities Commission**  
**WEEKLY FILINGS**  
For the Period of March 21, 2002 through March 27, 2002

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 report. Phone: 605-773-3705 Fax: 605-773-3809

**TELECOMMUNICATIONS**

**TC02-026 In the Matter of the Application of Kiger Telephone & Telephony, LLC for a Certificate of Authority to Provide Interexchange Telecommunications Services in South Dakota.**

On March 21, 2002, Kiger Telephone & Telephony, LLC filed an application for a Certificate of Authority to provide interexchange telecommunications services in South Dakota. Kiger intends to provide resold interexchange services, including 1+ and 101XXXX outbound dialing, 800/888 toll-free inbound dialing, directory assistance, data services and travel card service throughout South Dakota.

Staff Analyst: Michele Farris  
Staff Attorney: Kelly Frazier  
Date Docketed: 03/21/02  
Intervention Deadline: 04/12/02

**TC02-027 In the Matter of the Filing for Approval of Transfer of Certificate of Authority from Winstar Wireless, Inc. to Winstar Communications, LLC.**

On May 18, 1999, Winstar Wireless, Inc. received a Certificate of Authority to provide resold interexchange telecommunications services in South Dakota. On March 21, 2002, Winstar Wireless, Inc. and Winstar Communications, LLC. filed a joint application to transfer the Certificate of Authority of Winstar Wireless, Inc. to Winstar Communications, LLC.

Staff Analyst: Keith Senger  
Staff Attorney: Kelly Frazier  
Date Docketed: 03/21/02  
Intervention Deadline: 04/12/02

**TC02-028 In the Matter of the Filing for Approval of Statement of Generally Available Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services and Resale of Telecommunications Services between Qwest Corporation and KMC Telecom V, Inc.**

On March 22, 2002, the Commission received for approval a Filing of Statement of Generally Available Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services and Resale of Telecommunications Services between Qwest Corporation (Qwest) and KMC Telecom V, Inc. (KMC) for the State of South Dakota. According to the parties, the Agreement is a negotiated agreement which sets forth the terms, conditions and prices under which Qwest will offer and provide to any requesting CLEC network interconnection, access to unbundled network elements, ancillary services and telecommunications services available for resale within the

geographical areas in which Qwest is providing local exchange service at that time and for which Qwest is the incumbent local exchange carrier within the State of South Dakota for purposes of providing local telecommunications services. Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than April 11, 2002. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier  
Date Docketed: 03/22/02  
Initial Comments Due: 04/11/02

**TC02-029 In the Matter of the Application of Accxx Communications, LLC for a Certificate of Authority to Provide Interexchange Telecommunications Services in South Dakota.**

On March 27, 2002, Accxx Communications, LLC filed an application for a Certificate of Authority to provide interexchange telecommunications services in South Dakota. The Applicant is a reseller which intends to offer 1+ and 101XXXX outbound dialing, 800/888 toll-free inbound dialing, directory assistance, data services and travel card services.

Staff Analyst: Heather Forney  
Staff Attorney: Karen Cremer  
Date Docketed: 03/27/02  
Intervention Deadline: 04/12/02

**TC02-030 In the Matter of the Filing for Approval of an Amendment to an Interconnection Agreement between Qwest Corporation and Sprint Communications Company L.P.**

On March 27, 2002, the Commission received for approval a Filing of an Amendment to the Interconnection Agreement between Sprint Communications Company L.P. (Sprint) and Qwest Corporation (Qwest). According to the parties, this is an Amendment to a negotiated interconnection agreement between Sprint and Qwest which was approved by the Commission effective November 13, 2001, in Docket No. TC01-151. According to the parties, the Agreement is amended by adding terms and conditions for the Advice Adoption Letter process as set forth in Attachment 1 and Exhibits A & B to this Amendment, attached to the Amendment by replacing Section (A)3.26 in its entirety as specified on Attachment 2, attached to the Amendment and by adding terms and conditions for Collocation, Cancellation and Collocation Decommission as set forth in Attachment 3 and Attachment 4 attached to the Amendment. Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than April 16, 2002. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Karen E. Cremer  
Date Docketed: 03/27/02  
Initial Comments Due: 04/16/02

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

<b>IN THE MATTER OF THE APPLICATION OF )</b>	<b>ORDER GRANTING</b>
<b>KIGER TELEPHONE &amp; TELEPHONY, LLC FOR )</b>	<b>CERTIFICATE OF</b>
<b>A CERTIFICATE OF AUTHORITY TO PROVIDE )</b>	<b>AUTHORITY</b>
<b>INTEREXCHANGE TELECOMMUNICATIONS )</b>	
<b>SERVICES IN SOUTH DAKOTA )</b>	<b>TC02-026</b>

On March 21, 2002, 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 Kiger Telephone & Telephony, LLC (Kiger).

Kiger proposes to offer interexchange services, including 1+ and 101XXXX outbound dialing, 800/888 toll-free inbound dialing, directory assistance, data services and travel card service throughout South Dakota. A proposed tariff was filed by Kiger. The Commission has classified long distance service as fully competitive.

On March 28, 2002, the Commission electronically transmitted notice of the filing and the intervention deadline of April 12, 2002, to interested individuals and entities. No petitions to intervene or comments were filed and at its April 17, 2002, meeting, the Commission considered Kiger's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to the condition that Kiger not offer a prepaid calling card or require or accept 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 Kiger has met the legal requirements established for the granting of a certificate of authority. Kiger 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 Kiger's application for a certificate of authority, subject to the condition that Kiger not offer a prepaid calling card or require or accept deposits or advance payments without prior approval of the Commission. As the Commission's final decision in this matter, it is therefore

ORDERED, that Kiger's application for a certificate of authority to provide interexchange telecommunications services is hereby granted, effective May 20, 2002, subject to the condition that Kiger not offer a prepaid calling card or require or accept deposits or advance payments without prior approval of the Commission. It is

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

Dated at Pierre, South Dakota, this 19<sup>th</sup> day of April, 2002.

**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: Melaine Kaabo

Date: 4/23/02

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner

Robert K. Sahr  
ROBERT K. SAHR, Commissioner

# SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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## *CERTIFICATE OF AUTHORITY*

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

Authority was Granted effective May 20, 2002  
Docket No. TC02-026

*This is to certify that*

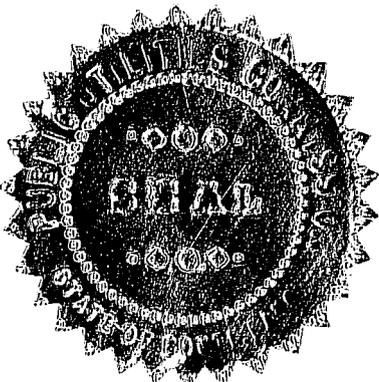
### **KIGER TELEPHONE & TELEPHONY, LLC**

is authorized to provide interexchange telecommunications services in South Dakota, subject to the condition that it not offer a prepaid calling card or require or accept 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 19<sup>th</sup> day of April, 2002.

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION:**



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

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

*Robert K. Sahr*  
\_\_\_\_\_  
ROBERT K. SAHR, Commissioner