

175-1005

KC/MK

In the Matter of _____
IN THE MATTER OF THE
APPLICATION OF SOUTH DAKOTA
BIG SKY TELECOM FOR A
CERTIFICATE OF AUTHORITY TO
PROVIDE INTEREXCHANGE
TELECOMMUNICATIONS SERVICES IN
SOUTH DAKOTA

Public Utilities Commission of the State of South Dakota

DATE	MEMORANDA
9/2 03	Filed and Docketed;
9/4 03	Briefly Filed;
1/16 04	Order Denying CDA;
1/16 04	Docket Closed.

20:10:24:02. Certificate of authority for interexchange service -- Application requirements.

Each telecommunications company required to apply for a certificate of authority with the commission pursuant to SDCL 49-31-3 for interexchange service shall provide the following information with the company's application unless the commission grants a waiver to omit a specific item of information:

- (1) The name, address, and telephone number of the applicant;

South Dakota Big Sky Telecom
374 Ansin Blvd
Hallandale, FL 33009
Tel: (954) 624-8660
Toll-Free: (866) 624-4759

RECEIVED

SEP 02 2003

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

- (2) The name under which the applicant will provide these services if different than in subdivision (1) of this section;

Same as above

- (3) If the applicant is a corporation:

No. It is a General Partnership

- (a) The state in which it is incorporated, the date of incorporation, and a copy of its certificate of incorporation or, if it is an out-of-state corporation, a copy of its certificate of authority to transact business in South Dakota from the Secretary of State;

N/A

- (b) The location of its principal office, if any, in this state and the name and address of its current registered agent; and

Registered Agent: CT Corporation System
319 South Coteau Street
Pierre, SD 57501

- (c) The name and address of each corporation, association, partnership, cooperative, or individual holding a 20 percent or greater ownership or management interest in the applicant corporation and the amount and character of the ownership or management interest;

N/A

(4) If the applicant is a partnership, the name, title, and business address of each partner, both general and limited;

Nicholas Cuneo, Jr., Chairman & CEO
374 Ansin Blvd, Hallandale, FL 33009

James Bramble, General Counsel
374 Ansin Blvd, Hallandale, FL 33009

Daniel Donahue, Managing Partner
374 Ansin Blvd, Hallandale, FL 33009

Carmine Russo, Managing Partner
374 Ansin Blvd, Hallandale, FL 33009

(5) A description of the telecommunications services the applicant intends to offer;

Long Distance and Local Long Distance

(6) A detailed statement of the means by which the applicant will provide its services;

We are presently negotiating with Global Crossing as our primary long distance provider. As we are a reseller, we do not plan to be fully or partially facilities based.

(7) The geographic areas in which the services will be offered or a map describing the service area;

We intend to service all the areas where Qwest & Global Crossing provides service.

(8) Current financial statements of the applicant including a balance sheet, income statement, and cash flow statement; a copy of the applicant's latest annual report; a copy of the applicant's report to stockholders; and a copy of applicant's tariff with the terms and conditions of service;

We would request a waiver for this as we are unable to provide stand alone financial statements. Big Sky Management, LLC is the parent company. We will accept the restrictions that will be placed on us as far so no pre-paid calling cards, no deposit and no advance payment. We have already submitted our tariffs to the P.U.C.

(9) The names, addresses, telephone number, fax number, E-mail address, and toll free number of the applicant's representatives to whom all inquiries must be made regarding complaints and regulatory matters and a description of how the applicant handles customer billings and customer service matters;

Customer Service:

We will be handling our own customer service.

Big Sky Management, LLC.
374 Ansin Blvd, Hallandale, FL 33009
Tel: (954) 624-8660
Toll-Free: (866) 624-4759
Fax: (954) 454-4967
E-mail: bigsky@bigskytelecom.com

Complaint & Regulatory Matters:

With regard to complaint and regulatory matters, the contact will be the following:

James Bramble or Carmine Russo

Billing Inquiries:

We have contracted a company called Dayton Data Processing, Inc. (DDP). They will be handling all of our billing. We are also under contract with SunTrust Bank for our lock box service. They will handle all of our incoming collections and make the appropriate distributions.

(10) A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable;

We are registered in Montana, Wyoming and North Dakota.

(11) A description of how the applicant intends to market its services, its target market, whether the applicant engages in any multilevel marketing, and copies of any company brochures used to assist in the sale of services;

We will be doing outbound and inbound telemarketing, newspaper advertising, radio and television ads. We will be reselling Qwest local service and Global Crossing long distance to residence and business.

(12) Cost support for rates shown in the company's tariff for all noncompetitive or emerging competitive services;

Those have already been submitted with our tariff package to the P.U.C.

(13) Federal tax identification number;

Our Federal Tax Identification # is 75-3114155

(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) A written request for waiver of those rules the applicant believes to be inapplicable; and

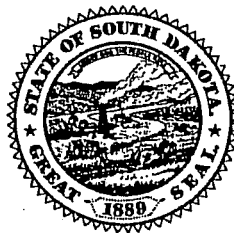
The only one that we request a waiver is for item # 8

(16) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the interexchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

The commission may require the production of an audited financial statement and additional information to supplement that contained in the application. A company shall notify the commission of any changes in subdivisions (1), (2), (7), and (9) and subsection (3)(b) of this section as they occur. If a company revises its tariff, the revised tariff sheets shall be provided to the commission.

Secretary of State

State Capitol, Ste 204
500 East Capitol Avenue
Pierre, South Dakota
57501-5070
sdsos@state.sd.us



Chris Nelson
Secretary of State

To: BIG SKY TELECOM
310 NE 1ST AVE
HALLANDALE FL 33009

From: Secretary of State Chris Nelson
Corporations Division

Date: May 14, 2003

Re: SOUTH DAKOTA BIG SKY TELECOM, A PARTNERSHIP
Document Filings

The documents submitted on behalf of **SOUTH DAKOTA BIG SKY TELECOM, A PARTNERSHIP** have been received and filed.

The partnership is canceled by operation of law five years after the date on which the statement, or the most recent amendment, was filed with the Secretary of State.

Enclosed is the acknowledgement with a receipt for the fee of \$90.

Thank you.

SOUTH DAKOTA

REGISTERED AGENT

**CT CORPORATION
SYSTEM**

**319 SOUTH COTEAU
STREET**

PIERRE, SD. 57501

Big Sky Telecom

**Carmine Russo
Managing Partner**

**Tel: (954) 624-8660
Toll Free: (866) 6 BIG SKY**

**James R. Bramble
General Counsel**

**Tel: (954) 624-8660
Toll Free: (866) 6 BIG SKY**

T.C.O. 3-173

BIG SKY MANAGEMENT, LLC
OPERATING ACCOUNT
374 ANSIN BLVD.
HALLANDALE BEACH, FL 33009-3107

1132

63-607/670

DATE 8/29/03

PAY
TO THE
ORDER OF

South Dakota Public Utilities Commission

\$ 250⁰⁰/₁₀₀

Two hundred fifty dollars and 00/100

DOLLARS



SUNTRUST
SunTrust Bank

Alan Curran

FOR _____

MP

⑈001132⑈ ⑆067006076⑆1000014667728⑈

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South Dakota Public Utilities Commission

WEEKLY FILINGS

For the Period of August 28, 2003 through September 3, 2003

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

CONSUMER COMPLAINTS

CT03-133 In the Matter of the Complaint filed by Steve Van Zee, Miller, South Dakota, against S&S Communications/Alterna-Cell Regarding Loss of Long Distance Services.

Complainant states that he holds a promissory note from the Respondent that reached maturity on June 15, 2000, with an option to renew for an additional five years. Complainant was to receive free phone service as a part of the agreement. Service has been terminated and the complainant seeks to have his original investment returned to him.

Staff Analyst: Jim Mehlhaff
Staff Attorney: Kelly Frazier
Date Docketed: 08/28/03
Intervention deadline: N/A

CT03-134 In the Matter of the Complaint filed by Mark D. Hanson on behalf of Fort Pierre Livestock, Fort Pierre, South Dakota, against S&S Communications/Alterna-Cell Regarding Loss of Long Distance Services.

Complainant's representative states that it purchased two six-year prepaid long distance service plans on June 1, 2000, and two seventy five-month plans in July of 02. Service was terminated without notice in June of 2003. Complainant seeks to be reimbursed for the prepaid service not provided.

Staff Analyst: Jim Mehlhaff
Staff Attorney: Kelly Frazier
Date Docketed: 09/02/03
Intervention deadline: N/A

TELECOMMUNICATIONS

TC03-169 In the Matter of the Application of R2C Communications, Inc. for a Certificate of Authority to Provide Interexchange Telecommunications Services in South Dakota.

R2C Communications, Inc. is seeking a Certificate of Authority to provide interexchange telecommunications services in South Dakota. The Applicant will provide resold interexchange services including direct and dial around, toll free inbound, directory assistance, data, travel card and prepaid calling card services.

Staff Analyst: Keith Senger
Staff Attorney: Kelly Frazier
Date Docketed: 08/28/03

Intervention Deadline: 09/19/03

TC03-170 In the Matter of the Request of Red River Telecom, Inc. for Certification Regarding its Use of Federal Universal Service Support.

On August 28, 2003, Red River Telecom, Inc. (Red River) provided information constituting Red River's plan for the use of its federal universal service support and to otherwise verify that Red River will use all federal universal service support received in a manner that is consistent with the federal universal service provisions of 47 U.S.C. Section 254.

Staff Analyst: Harlan Best
Staff Attorney: Karen E. Cremer
Date Docketed: 08/28/03
Intervention Deadline: 09/12/03

TC03-171 In the Matter of the Request of Dickey Rural Telephone Cooperative for Certification Regarding its Use of Federal Universal Service Support.

On September 2, 2003, Dickey Rural Telephone Cooperative (Dickey Rural) provided information constituting Dickey Rural's plan for the use of its federal universal service support and to otherwise verify that Dickey Rural will use all federal universal service support received in a manner that is consistent with the federal universal service provisions of 47 U.S.C. Section 254.

Staff Analyst: Harlan Best
Staff Attorney: Karen E. Cremer
Date Docketed: 09/02/03
Intervention Deadline: 09/12/03

TC03-172 In the Matter of the Request of Dickey Rural Communications, Inc. for Certification Regarding its Use of Federal Universal Service Support.

On September 2, 2003, Dickey Rural Communications, Inc. (Dickey Rural) provided information constituting Dickey Rural's plan for the use of its federal universal service support and to otherwise verify that Dickey Rural will use all federal universal service support received in a manner that is consistent with the federal universal service provisions of 47 U.S.C. Section 254.

Staff Analyst: Harlan Best
Staff Attorney: Karen E. Cremer
Date Docketed: 09/02/03
Intervention Deadline: 09/12/03

TC03-173 In the Matter of the Application of South Dakota Big Sky Telecom for a Certificate of Authority to Provide Interexchange Telecommunications Services in South Dakota.

On September 2, 2003, South Dakota Big Sky Telecom filed an application for a Certificate of Authority to provide Telecommunication Services in South Dakota. South Dakota Big Sky Telecom intends to provide resold long distance telecommunications services throughout South Dakota.

Staff Analyst: Michele Farris
Staff Attorney: Karen Cremer

Date Docketed: 09/02/03
Intervention Deadline: 09/19/03

**TC03-174 In the Matter of the Request of Citizens Telecommunications Company of
Minnesota, Inc. for Certification Regarding its Use of Federal Universal
Service Support.**

On September 4, 2003, Citizens Telecommunications Company of Minnesota, Inc. (Citizens) provided information constituting Citizens' plan for the use of its federal universal service support and to otherwise verify that Citizens will use all federal universal service support received in a manner that is consistent with the federal universal service provisions of 47 U.S.C. Section 254.

Staff Analyst: Harlan Best
Staff Attorney: Karen E. Cremer
Date Docketed: 09/04/03
Intervention Deadline: 09/12/03

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

**IN THE MATTER OF THE APPLICATION OF)
SOUTH DAKOTA BIG SKY TELECOM FOR A)
CERTIFICATE OF AUTHORITY TO PROVIDE)
INTEREXCHANGE TELECOMMUNICATIONS)
SERVICES IN SOUTH DAKOTA)**

**ORDER DENYING
CERTIFICATE OF
AUTHORITY**

TC03-173

On September 2, 2003, 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 South Dakota Big Sky Telecom (SD Big Sky).

SD Big Sky proposes to provide interexchange telecommunications services in South Dakota.

On September 4, 2003, the Commission electronically transmitted notice of the filing and the intervention deadline of September 19, 2003, to interested individuals and entities. At its regularly scheduled January 6, 2004, meeting, the Commission considered SD Big Sky's request for a certificate of authority. Commission Staff recommended denying the certificate of authority and closing the docket as SD Big Sky had failed to adequately provide information required by Staff.

The Commission finds that it has jurisdiction over this matter pursuant to Chapter 49-31, specifically 49-31-3 and ARSD 20:10:24:02 and 20:10:24:03. The Commission finds that SD Big Sky has not met the legal requirements established for the granting of a certificate of authority. SD Big Sky has not, in accordance with SDCL 49-31-69, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota. Pursuant to ARSD 20:10:32:06 the Commission voted to deny SD Big Sky's application for a certificate of authority. As the Commission's final decision in this matter, it is therefore

ORDERED, that SD Big Sky's application for a certificate of authority is hereby denied.

Dated at Pierre, South Dakota, this 11th day of January, 2004.

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 Kelbo</u>
Date: <u>1/16/04</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner