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February 14, 2011

Patricia VanGerpen
SD Public Utilities Commission
500 E. Capitol
Pierre, SD 57501

Re: TC11-001

Dear Ms. VanGerpen:

On January 3, 2011 Thomas M. Forte of Technologies Management, Inc. filed an application on behalf of his client WiMacTel, Inc. (WiMacTel). Commission Staff (Staff) reviewed the application, but deemed the application incorrect and incomplete. Mr. Forte used outdated, since-revised local exchange service administrative rules as basis for his application. In addition, it appeared WiMacTel sought a permit for local exchange service, interexchange long distance service, and alternate operator services. Despite the reference to multiple services, necessary information was not provided in the original filing. As a result, the application not only needed revision, but was incomplete.

Staff called Mr. Forte on January 4, 2011 to inform him of the issue, was unable to reach him, but left a message asking for a return call. After not receiving a return call, Staff called Mr. Forte on January 6, 2011, and left a second message. Mr. Forte returned the second call later on Thursday, January 6, 2011. Staff advised Mr. Forte of the need to submit an amended application. Mr. Forte assured Staff he would submit an amended application "yet this week." Staff assumed his statement to mean by 5:00 P.M. on Friday, January 7. As of January 12, 2011 Staff had yet to receive an amended application. On January 12, 2011 Staff sent Mr. Forte an email advising him that an application incomplete for a prolonged length of time was subject to dismissal. Mr. Forte responded quickly, saying that he was "finishing up" and would submit it by Thursday, January 13, 2011.

On January 13, 2011, Mr. Forte, rather than amending the filing as requested, emailed Staff a document titled, "WiMacTel_response_IXC_Rules". This document listed the current administrative rules; but repeatedly referenced the outdated and incomplete application. Ex: "WiMacTel provided this information in response to Question 1 of the original application." As such, even if the document were properly filed, it could not stand on its own, but needed additional documentation to comply with many requirements of the applicable administrative rules. In some cases, the revised application referenced erroneous information provided in the first WiMacTel application. Additionally, no documents were filed in reference to local exchange service or alternate operator services, although they continued to be referenced in the "WiMacTel_response_IXC_Rules" document.

Staff called Mr. Forte on January 18, 2011 and left a message asking for a return call. Mr. Forte said in a later email that he was unable to reach Staff on January 19, when he returned the call. On January 21, Staff was able to reach Mr. Forte, and advised him the reply format was unacceptable and further, the application remained incomplete. Staff again requested filed application revision based on the correct administrative rules. Staff again advised Mr. Forte of the need for language addressing local exchange service and alternate operator services if WiMacTel was looking to provide such services in the future. Mr. Forte advised that he would revise the applications and submit them to Staff by Monday, January 24, 2011.

As of today, February 14, 2011 Staff has yet to receive any further communication from Mr. Forte. As such, Staff considers the application incorrect, incomplete and recommends the Commission dismiss docketed item TC11-001.

Sincerely,



Chris Daugaard

Cc Mr. Thomas M. Forte
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