

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

IN THE MATTER OF AMERICAN)	FINDINGS OF FACT,
TELECOMMUNICATIONS SYSTEMS, INC.'S)	CONCLUSIONS OF LAW AND
FAILURE TO TIMELY PAY THE GROSS)	FINAL ORDER; NOTICE OF
RECEIPTS TAX)	ENTRY OF FINAL ORDER
)	
)	TC20-053

On December 2, 2020, the South Dakota Public Utilities Commission (Commission) issued an Order for and Notice of Show Cause Hearing against American Telecommunications Systems, Inc. (Company) for failure to timely pay the gross receipts tax. The hearing was held as scheduled on January 14, 2021, at 3:00 P.M., in the Matthew Training Center, Foss Building, Pierre, South Dakota. The reason for the hearing was to give the Company an opportunity to show cause why the Commission should not revoke its Certificate of Authority, or other specified actions, for failure to timely pay the gross receipts tax as required by SDCL 49-1A-3. No representative of the Company appeared at the hearing. After hearing the testimony, the Commission voted unanimously to revoke the Company's Certificate of Authority for failure to timely pay the gross receipts tax.

The Commission, having heard the testimony presented at the hearing, makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Company is a telecommunications company holding a Certificate of Authority, issued by this Commission, to provide telecommunications services in South Dakota.
2. Cindy Kemnitz, Finance Manager for the Commission, sent invoices to the Company requesting payment of the gross receipts tax as authorized by SDCL 49-1A-3. She testified that the Company failed to pay the gross receipts tax.
3. A copy of the Order for and Notice of Show Cause Hearing was sent by certified mail to the Company on December 3, 2020.
4. No representative of the Company appeared at the hearing to show cause why the Commission should not revoke its Certificate of Authority.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this matter pursuant to SDCL 49-1A-3, 49-1A-4, 49-1A-5, 49-1A-6, and 49-31-3.
2. Pursuant to SDCL 49-1A-3 and 49-1A-4, the Commission assesses a tax on the annual intrastate gross receipts received by a telecommunications company from the company's customers within the state of South Dakota. Pursuant to SDCL 49-1A-5, the tax is due on July fifteenth of each year.

3. The Company has failed to pay the gross receipts tax.

4. The Commission has the authority, under SDCL 49-31-3, to suspend or revoke a Certificate of Authority granted to a company for a willful violation of the laws of this state. Based on the failure of the Company to timely pay the gross receipts tax in violation of SDCL 49-1A-5, the Commission revokes the Company's Certificate of Authority.

Based on the foregoing Findings of Fact and Conclusions of Law, it is therefore

ORDERED, that any Certificate of Authority granted to the Company by this Commission is hereby revoked and any order, certificate or other document evidencing the Certificate of Authority shall be null and void as of the date of this order.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that this Order was duly entered on the 15th day of January 2021. Pursuant to SDCL 1-26-32, this Order will take effect 10 days after the date of receipt or failure to accept delivery of the decision by the parties.

Dated at Pierre, South Dakota, this 15th day of January 2021.

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, electronically or by mail.
By: <u>Adam Lettneck</u>
Date: <u>1/15/21</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner