

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

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
IONEX COMMUNICATIONS NORTH, INC. FOR)	AMENDED CERTIFICATE OF
AN AMENDED CERTIFICATE OF AUTHORITY)	AUTHORITY
TO INCLUDE PROVIDING FACILITIES-BASED)	
LOCAL EXCHANGE SERVICES IN SOUTH)	TC00-171
DAKOTA)	

On October 16, 2000, the Public Utilities Commission (Commission) received an application for an amended certificate of authority from Ionex Communications North, Inc. (Ionex).

Ionex is a South Dakota corporation authorized to provide - and currently is providing - resold local exchange and interexchange telecommunications services in South Dakota. Ionex requested an amendment to allow it to provide facilities-based local exchange services in South Dakota.

On October 19, 2000, the Commission electronically transmitted notice of the filing and the intervention deadline of November 3, 2000, to interested individuals and entities. Sully Buttes Telephone Cooperative, Inc. (Sully Buttes) filed a Petition to Intervene on November 3, 2000, and at its regularly scheduled November 30, 2000, meeting, the Commission granted Sully Buttes' Petition to Intervene. Ionex and Sully Buttes filed a Joint Stipulation for Dismissal of Petition to Intervene on December 8, 2000.

The Commission considered Ionex's request for an amended certificate of authority at its regularly scheduled December 12, 2000, meeting. Commission Staff recommended granting an amendment to Ionex's certificate of authority in order for the company to provide facilities-based local exchange service, subject to rural safeguards, and a waiver of ARSD 20:10:32:03. Commission Staff further recommended that Ionex be restricted to providing resold services only to its current customers in the exchanges of Gregory, Clearfield, Witten, Lesterville, Centerville, Viborg, Tabor, Hudson, and Sisseton and that those exchanges be granted rural safeguard status.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-69 and ARSD 20:10:32:03. The Commission finds that Ionex has met the legal requirements established for the granting of a certificate of authority. Ionex has, in accordance with SDCL 49-31-71, demonstrated sufficient technical, financial and managerial capabilities to offer facilities-based telecommunications services in South Dakota. Further, the Commission finds that there is good cause to waive ARSD 20:10:32:03.

The Commission approves Ionex's application for an amended certificate of authority, subject to rural safeguards. The certificate of authority for Ionex shall be amended to authorize it to offer facilities-based local exchange services in South Dakota, except in those areas served by a rural telephone company. Ionex is restricted to providing resold local exchange services to its current customers in the exchanges of Gregory, Clearfield, Witten, Lesterville, Centerville, Viborg, Tabor, Hudson, and Sisseton and that those exchanges be granted rural safeguard status. In the future, should Ionex choose to provide local exchange services statewide, with respect to rural telephone companies, Ionex will have to come before the Commission in another proceeding before being able to provide local service in that rural service area pursuant to 47 U.S.C. § 253(f) which allows the Commission to require a company that seeks to provide service in a rural service area to meet the requirements in 47 U.S.C. § 214(e)(1) for designation as an eligible telecommunications carrier. In addition, the granting of statewide certification will not affect the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f). It is therefore

ORDERED, that lonex's application for an amended certificate of authority to provide facilities-based local exchange services is granted; and it is

FURTHER ORDERED, that lonex shall file informational copies of tariff changes with the Commission as the changes occur; and it is

FURTHER ORDERED, that the Commission shall authorize lonex to offer its facilities-based local exchange services in South Dakota, except in those areas served by a rural telephone company; and it is

FURTHER ORDERED, that lonex is restricted to providing resold local exchange services to their current customers in the exchanges of Gregory, Clearfield, Witten, Lesterville, Centerville, Viborg, Tabor, Hudson, and Sisseton and that those exchanges be granted rural safeguard status; and it is

FURTHER ORDERED, that the Commission finds good cause to waive ARSD 20:10:32:03.

Dated at Pierre, South Dakota, this 20th day of December, 2000.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>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 facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.</p> <p>By: <u>Alaine Kelbo</u></p> <p>Date: <u>12/22/00</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner