

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

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
NEW ACCESS COMMUNICATIONS LLC FOR)	CERTIFICATE OF
A CERTIFICATE OF AUTHORITY TO PROVIDE)	AUTHORITY
INTEREXCHANGE TELECOMMUNICATIONS)	
SERVICES AND LOCAL EXCHANGE)	TC01-035
SERVICES IN SOUTH DAKOTA)	

On April 2, 2001, the Public Utilities Commission (Commission) received an application for a certificate of authority from New Access Communications LLC (New Access).

New Access proposes to offer local exchange and interexchange telecommunications throughout South Dakota on a resold basis. A proposed tariff was filed by New Access.

On April 5, 2001, the Commission electronically transmitted notice of the filing and the intervention deadline of April 20, 2001, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled August 16, 2001, meeting, the Commission considered New Access' request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to rural safeguards, and subject to the condition that New Access not offer a prepaid calling card or require 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 49-31-69 and ARSD 20:10:24:02, 20:10:24:03 and 20:10:32:03. The Commission finds that New Access has met the legal requirements established for the granting of a certificate of authority. New Access has, in accordance with SDCL 49-31-3 and 49-31-71, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota.

The Commission approves New Access' application for a certificate of authority, subject to rural safeguards, and subject to the condition that New Access not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission. The certificate of authority for New Access shall authorize it to offer local exchange services in South Dakota, except in those areas served by a rural telephone company. In the future, should New Access choose to provide local exchange services statewide, with respect to rural telephone companies, New Access 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 New Access' application for a certificate of authority to provide interexchange telecommunications services and local exchange services is granted, subject to the condition that New Access not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission; and it is

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

FURTHER ORDERED, that the Commission shall authorize New Access to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company.

Dated at Pierre, South Dakota, this 22nd day of August, 2001.

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 facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u>Delaine Kalbo</u>
Date:	<u>8/23/01</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner