

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

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
NOS COMMUNICATIONS, INC. FOR A)	CERTIFICATE OF
CERTIFICATE OF AUTHORITY TO PROVIDE)	AUTHORITY
LOCAL EXCHANGE SERVICES IN SOUTH)	
DAKOTA)	TC01-043

On April 19, 2001, the Public Utilities Commission (Commission) received an application for a certificate of authority from NOS Communications, Inc. (NOS).

NOS proposes to offer local services, including measured, flat rate, PBX, Centrex, and value added service on a facilities-based and resold basis. A proposed tariff was filed by NOS.

On April 26, 2001, the Commission electronically transmitted notice of the filing and the intervention deadline of May 11, 2001, to interested individuals and entities. A Petition to Intervene was received from South Dakota Independent Telephone Coalition (SDITC) on May 10, 2001. On May 18, 2001, the Commission received a letter from SDITC withdrawing its Petition to Intervene. At its regularly scheduled September 7, 2001, meeting, the Commission considered NOS' request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to rural safeguards.

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 NOS has met the legal requirements established for the granting of a certificate of authority. NOS has, in accordance with SDCL 49-31-71, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota.

The Commission approves NOS' application for a certificate of authority, subject to rural safeguards. The certificate of authority for NOS 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 NOS choose to provide local exchange services statewide, with respect to rural telephone companies, NOS 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 NOS' application for a certificate of authority to provide local exchange services is granted; and it is

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

FURTHER ORDERED, that the Commission shall authorize NOS 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 14th day of September, 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><i>Rebecca Kelbo</i></u>
Date:	<u>9/14/01</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner