

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

IN THE MATTER OF THE PETITION FOR AN)	
ORDER TO SHOW CAUSE AS TO WHY)	ORDER GRANTING MOTION
BUYERSONLINE SHOULD NOT BE FOUND TO)	FOR ORDER TO SHOW
BE IN VIOLATION OF THE LAWS OF THE)	CAUSE
STATE OF SOUTH DAKOTA)	

TC01-191

On December 5, 2001 the South Dakota Public Utilities Commission (Commission) received a Petition from staff requesting that the Commission issue an Order To Show Cause as to why BuyersOnline Inc. a/k/a Buyers United, Inc. (BuyersOnline) should not be found in violation of South Dakota law. The basis for this Petition was that BuyersOnline was providing intrastate telecommunication services in South Dakota without a certificate of authority pursuant to SDCL 49-31-3 and had failed to pay gross receipt taxes pursuant to SDCL 49-1A-3. This docket was placed on the agenda on December 12, 2001, January 3, 2002 and February 5, 2002. In each instance, action on this docket was deferred. Staff agreed to support deferring action on this file on the conditions that BuyersOnline obtain a certificate of authority to provide intrastate telecommunication services pursuant to SDCL 49-31-3 and that the company agree to pay all gross receipt taxes. On January 3, 2002, Buyers Online submitted a check in the amount of \$500 indicating that it was issued for the payment of 1998 and 1999 gross receipt taxes. The Commission has not determined that this payment was payment in full for all gross receipt taxes due or for interest, penalties or other costs due the Commission with respect to Buyers Online's operations in the State of South Dakota. On February 5, 2002 the company filed for a certificate of authority in docket TC02-013. On August 7, 2002 an Order was issued denying that application on the basis that the company had failed to meet the requirements of SDCL 49-31-3 and ARSD 20:10:24:02. Subsequent to this denial, staff renewed its Petition for the Commission to issue an Order To Show Cause as to why BuyersOnline should not be found in violation of South Dakota law.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 49-1A and 49-3, and specifically, but not limited to, 49-1A-3 and 49-31-3 and ARSD Chapters 20:10:01 and 20:10:24, and specifically, but not limited to ARSD 20:10:01:45 and 20:10:24:02. The Commission finds that there is just cause to proceed to hearing as to whether BuyersOnline, Inc. a/k/a Buyers United, Inc. should not be found in violation of the South Dakota laws cited herein. It is therefore

ORDERED, that the Petition for Order to Show Cause is granted and an Order to Show Cause shall be issued to Buyers Online setting the matter for hearing at a time and place to be specified in such Order to Show Cause on the issues of whether BuyersOnline, Inc. a/k/a Buyers United, Inc. has violated South Dakota law, whether Buyers Online is continuing to violate South Dakota law, if so, what action should be taken.

Dated at Pierre, South Dakota, this 29th day of October, 2002.

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: Tina Douglas

Date: October 29, 2002

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Robert K. Sahr
ROBERT K. SAHR, Commissioner