

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

**IN THE MATTER OF THE APPLICATION OF ) ORDER GRANTING  
NORTH BY NORTHEASTCOM LLC FOR A ) CERTIFICATE OF  
CERTIFICATE OF AUTHORITY TO PROVIDE ) AUTHORITY  
INTEREXCHANGE TELECOMMUNICATIONS )  
SERVICES IN SOUTH DAKOTA ) TC02-039**

On April 18, 2002, the Public Utilities Commission (Commission), in accordance with SDCL 49-31-3 and ARSD 20:10:24:02, received an application for a certificate of authority from North By NortheastCom LLC (NBNE).

NBNE proposes to offer nationwide directory assistance with call completion, long distance transport and enhanced directory services. A proposed tariff was filed by NBNE. The Commission has classified long distance service as fully competitive.

On April 25, 2002, the Commission electronically transmitted notice of the filing and the intervention deadline of May 10, 2002, to interested individuals and entities. No petitions to intervene or comments were filed and at its May 30, 2002, meeting, the Commission considered NBNE's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to the condition that NBNE not offer a prepaid calling card or require or accept deposits or advance payments without prior approval of the Commission. Commission Staff further recommended a waiver of ARSD 20:10:24:02(8).

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3 and ARSD 20:10:24:02 and 20:10:24:03. The Commission finds that NBNE has met the legal requirements established for the granting of a certificate of authority. NBNE has, in accordance with SDCL 49-31-3, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota. Further, the Commission finds that there is good cause to waive ARSD 20:10:24:02(8). The Commission approves NBNE's application for a certificate of authority, subject to the condition that NBNE not offer a prepaid calling card or require or accept deposits or advance payments without prior approval of the Commission. As the Commission's final decision in this matter, it is therefore

**ORDERED**, that NBNE's application for a certificate of authority to provide interexchange telecommunications services is hereby granted, effective June 18, 2002, subject to the condition that NBNE not offer a prepaid calling card or require or accept deposits or advance payments without prior approval of the Commission. It is

**FURTHER ORDERED**, that the Commission waives ARSD 20:10:24:02(8). It is

FURTHER ORDERED, that NBNE shall file informational copies of tariff changes with the Commission as the changes occur.

Dated at Pierre, South Dakota, this 7<sup>th</sup> day of June, 2002.

<b>CERTIFICATE OF SERVICE</b>
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 first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u>Helsine Kolbo</u>
Date: <u>6/11/02</u>
(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