

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

**IN THE MATTER OF THE APPLICATION
OF NECC TELECOM, INC. FOR A
CERTIFICATE OF AUTHORITY TO
PROVIDE INTEREXCHANGE
TELECOMMUNICATIONS SERVICES IN
SOUTH DAKOTA**

**ORDER GRANTING CERTIFICATE
OF AUTHORITY**

TC02-109

On August 23, 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 NECC Telecom, Inc. (NECC).

NECC proposes to provide interexchange telecommunications services throughout South Dakota. A proposed tariff was filed by NECC. The Commission has classified long distance service as fully competitive.

On August 29, 2002, the Commission electronically transmitted notice of the filing and the intervention deadline of September 13, 2002, to interested individuals and entities. No petitions to intervene or comments were filed and at its October 17, 2002, meeting, the Commission considered NECC's request for a certificate of authority. Commission Staff recommended granting a certificate of authority subject to the condition that NECC not offer a prepaid calling card or require or accept deposits or advanced payments without prior approval of the Commission. Commission Staff further recommended a waiver of ARSD 20:10:24:02(8) and that the certificate of authority have an effective date of October 22, 2002.

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 NECC has met the legal requirements established for the granting of a certificate of authority. NECC 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 NECC's application for a certificate of authority. As the Commission's final decision in this matter, it is therefore

ORDERED, that NECC's application for a certificate of authority to provide interexchange telecommunications services is hereby granted subject to the condition that NECC not offer a prepaid calling card or require or accept deposits or advanced payments without prior approval of the Commission, effective October 22, 2002. It is

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

FURTHER ORDERED, that NECC shall file informational copies of tariff changes

with the Commission as the changes occur.

Dated at Pierre, South Dakota, this 28th day of October, 2002.

<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 first class mail, in properly addressed envelopes, with charges prepaid thereon.</p> <p>By: _____</p> <p>Date: _____</p> <p style="text-align: center;">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

ROBERT K. SAHR, Commissioner