

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

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| <b>IN THE MATTER OF THE APPLICATION OF C )</b> | <b>ORDER GRANTING</b> |
| <b>III COMMUNICATIONS OPERATIONS, LLC )</b>    | <b>CERTIFICATE OF</b> |
| <b>FOR A CERTIFICATE OF AUTHORITY TO )</b>     | <b>AUTHORITY</b>      |
| <b>PROVIDE INTEREXCHANGE )</b>                 |                       |
| <b>TELECOMMUNICATIONS SERVICES IN )</b>        | <b>TC03-058</b>       |
| <b>SOUTH DAKOTA )</b>                          |                       |

On March 21, 2003, 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 C III Communications Operations, LLC (C III).

C III proposes to provide resold intrastate interexchange services, including message telecommunications service, outbound wide area telecommunication service, inbound 800 service, travel card service, operator assisted calling programs, private line services and frame relay service throughout South Dakota. A proposed tariff was filed by C III. The Commission has classified long distance service as fully competitive.

On March 27, 2003, the Commission electronically transmitted notice of the filing and the intervention deadline of April 11, 2003, to interested individuals and entities. No petitions to intervene or comments were filed and at its May 6, 2003, meeting, the Commission considered C III's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to the condition that C III 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 C III has met the legal requirements established for the granting of a certificate of authority. C III 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 C III's application for a certificate of authority, subject to the condition that C III 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 C III's application for a certificate of authority to provide interexchange telecommunications services is hereby granted, effective May 21, 2003, subject to the condition that C III 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 C III shall file informational copies of tariff changes with the Commission as the changes occur.

Dated at Pierre, South Dakota, this 16<sup>th</sup> day of May, 2003.

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| <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>Helaine Kolbo</u> |
| Date:  | <u>5/20/03</u>       |
| (OFFICIAL SEAL)  |                      |

BY ORDER OF THE COMMISSION:

Robert K. Sahr

ROBERT K. SAHR, Chairman

Gary Hanson

GARY HANSON, Commissioner

James A. Burg

JAMES A. BURG, Commissioner