

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

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

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**ORDER GRANTING MOTION  
FOR RECONSIDERATION OF  
DECISION AND REOPENING  
DOCKET**

**TC04-076**

On April 12, 2004, the Public Utilities Commission (Commission), in accordance with SDCL 49-31-3 and ARSD 20:10:24:02, received an incomplete application for a certificate of authority from Cognigen Networks, Inc. (Cognigen).

Cognigen proposed to provide long distance telecommunications services throughout South Dakota. The Commission has classified long distance service as fully competitive.

On April 15, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of April 30, 2004, to interested individuals and entities. Commission Staff requested the required \$250.00 application fee from Cognigen on numerous occasions, however, the application fee was never received.

No petitions to intervene or comments were filed and at its regularly scheduled June 22, 2004, meeting, the Commission considered Cognigen's request for a certificate of authority. Pursuant to ARSD 20:10:24:03, Commission Staff recommended denial of the application for a certificate of authority due to Cognigen's failure to submit the required \$250.00 application fee. The Commission therefore denied Cognigen's application for a certificate of authority.

On August 27, 2004, Cognigen filed a Motion for Reconsideration of Decision in Docket TC04-076 and Waiver of 30-Day Deadline pursuant to ARSD 20:10:01:30.01. According to the Motion, the requests for the \$250.00 application fee "were made to Applicant's previous consultant, who apparently did not indicate to Commission staff that Applicant had subsequently retained new representation." The Motion further states that "Due to facts and circumstances arising subsequent to filing the Application and the subsequent Order Denying Certificate of Authority, Cognigen Networks, Inc. respectfully requests that this Commission:

1. extend the deadline to file for reconsideration from 30-days following the Order to 30-days following notification;
2. re-open Docket No. TC04-076;
3. permit Applicant to withdraw its original Application nunc pro tunc."

The Commission finds that it has jurisdiction over this matter pursuant to Chapter 49-31, specifically 49-31-3 and ARSD 20:10:24:02 and 20:10:24:03.

On September 14, 2004, at its regularly scheduled meeting, the Commission voted to grant the Motion for Reconsideration of Decision and to reopen the docket. It is therefore

ORDERED, that Cognigen's Motion for Reconsideration of Decision is hereby granted and the docket is reopened.

Dated at Pierre, South Dakota, this 22nd day of September, 2004.

<p style="text-align: center;"><b>CERTIFICATE OF SERVICE</b></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>
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BY ORDER OF THE COMMISSION:

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ROBERT K. SAHR, Chairman

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GARY HANSON, Commissioner

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JAMES A. BURG, Commissioner