

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

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
NEXUSTEL, LLC FOR A CERTIFICATE OF)	CERTIFICATE OF
AUTHORITY TO PROVIDE INTEREXCHANGE)	AUTHORITY
TELECOMMUNICATIONS SERVICES IN)	
SOUTH DAKOTA)	TC08-099

On June 24, 2008, 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 to provide interexchange telecommunications services from NexUSTel, LLC (NexUSTel). The Commission has classified long distance service as fully competitive.

On June 26, 2008, the Commission electronically transmitted notice of the filing and the intervention deadline of July 11, 2008, to interested individuals and entities. No petitions to intervene or comments were filed and at its August 12, 2008, meeting, the Commission considered NexUSTel's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to the condition that NexUSTel not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments without prior approval of the Commission. Commission Staff further recommended a waiver of ARSD 20:10:24:02(9).

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 NexUSTel has met the legal requirements established for the granting of a certificate of authority. NexUSTel 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(9). The Commission approves NexUSTel's application for a certificate of authority, subject to the condition that NexUSTel not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments without prior approval of the Commission. As the Commission's final decision in this matter, it is therefore

ORDERED, that NexUSTel's application for a certificate of authority to provide interexchange telecommunications services is hereby granted, subject to the condition that NexUSTel not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments without prior approval of the Commission. It is

FURTHER ORDERED, that the Commission waives ARSD 20:10:24:02(9). It is

FURTHER ORDERED, that this order constitutes your certificate of authority as described above.

Dated at Pierre, South Dakota, this 21st day of August, 2008.

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, electronically.
By: <u>Delaine Kolbo</u>
Date: <u>8/21/08</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner