

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

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
WIDVOICE COMMUNICATIONS, INC. FOR A)	REQUEST FOR
CERTIFICATE OF AUTHORITY TO PROVIDE)	EVIDENTIARY HEARING
INTEREXCHANGE TELECOMMUNICATIONS)	
SERVICES AND LOCAL EXCHANGE)	TC09-083
SERVICES IN SOUTH DAKOTA)	

On August 11, 2009, the Public Utilities Commission (Commission) received an Application from WideVoice Communications, Inc. (WideVoice) for authority to provide interexchange telecommunications services and local exchange services in South Dakota.

On August 13, 2009, the Commission electronically transmitted notice of the filing and the intervention deadline of August 28, 2009, to interested individuals and entities. South Dakota Telecommunications Association (SDTA) filed to intervene on August 27, 2009. Midstate Communications, Inc. and Midstate Telecom, Inc. (Midstate) filed to intervene on August 28, 2009. At its regularly scheduled meeting of September 8, 2009, the Commission granted intervention to SDTA and Midstate.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31.

At its regularly scheduled meeting of October 20, 2009, the Commission considered the Application from WideVoice. The Intervenors requested that the Commission not grant the certificate of authority at this time because more information was needed and that an evidentiary hearing be held to get this information. After considerable discussion, Staff recommended that if the Commission wished to grant a certificate of authority to WideVoice at this time, that approval be subject to the condition that WideVoice 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, subject to rural safeguards, and conditioned upon Wide Voice getting a sales tax number and submitting it to the Commission. Commission Staff further recommended a waiver of ARSD 20:10:24:02(9) and ARSD 20:10:32:03(12). Commissioner Hanson made a motion to grant WideVoice a certificate of authority, incorporating recommendations made by Staff. The motion failed 1-2. After further discussion, the Commission voted unanimously to grant the request for an evidentiary hearing, instructing the intervenors to supply interrogatories to WideVoice by October 23, 2009, with copies of questions and answers to be provided to Staff and to work with Staff on a procedural schedule. It is therefore

ORDERED, that the request for an evidentiary hearing is granted, instructing the intervenors to supply interrogatories to WideVoice by October 23, 2009, with copies of questions and answers to be provided to Staff and to work with Staff on a procedural schedule.

Dated at Pierre, South Dakota, this 5th day of November, 2009.

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: Alaine Kolbe

Date: 11/5/09

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Gary Hanson
GARY HANSON, Commissioner