

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

**IN THE MATTER OF THE APPLICATION OF
VELOCITY THE GREATEST PHONE)
COMPANY EVER, INC, FOR A CERTIFICATE)
OF AUTHORITY TO PROVIDE)
INTEREXCHANGE TELECOMMUNICATIONS)
SERVICES AND LOCAL EXCHANGE)
SERVICES IN SOUTH DAKOTA)**

**ORDER GRANTING
CERTIFICATE OF
AUTHORITY**

TC09-100

On December 2, 2009, the Public Utilities Commission (Commission), in accordance with SDCL 49-31-3, ARSD 20:10:24:02, and ARSD 20:10:32:03, received an application for a certificate of authority to provide interexchange service, and local exchange services throughout the entire state of South Dakota, excluding rural territories on a resold basis.

On December 3, 2009, the Commission electronically transmitted notice of the filing and the intervention deadline of December 18, 2009, to interested individuals and entities. No petitions to intervene or comments were filed and at its January 19, 2010, meeting, the Commission considered Velocity's request for a certificate of authority. Commission Staff recommended granting a certificate of authority. Commission Staff further recommended a waiver of ARSD 20:10:24:02(9) and ARSD 20:10:32:03(12).

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 20:10:32:03. The Commission finds that Velocity has met the legal requirements established for the granting of a certificate of authority. Velocity 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) and ARSD 20:10:32:03(12).

The Commission approves Velocity's application for a certificate of authority. The certificate of authority for Velocity shall authorize it to offer local exchange services in South Dakota, except in those areas served by a rural telephone company. In the future, should Velocity choose to provide local exchange services statewide, with respect to rural telephone companies, Velocity will have to come before the Commission in another proceeding before being able to provide local service in that rural service area pursuant to 47 U.S.C. § 253(f) which allows the Commission to require a company that seeks to provide service in a rural service area to meet the requirements in 47 U.S.C. § 214(e)(1) for designation as an eligible telecommunications carrier. In addition, the granting of statewide certification will not affect the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f). It is therefore

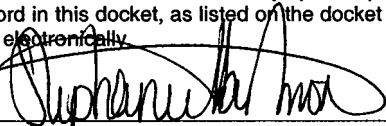
ORDERED, that Velocity's application for a certificate of authority to provide interexchange telecommunications services and local exchange services is granted. It is

FURTHER ORDERED, that this certificate of authority authorizes Velocity to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company. It is

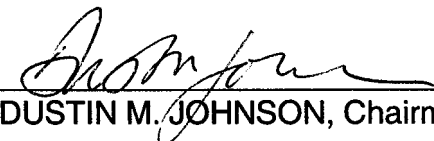
FURTHER ORDERED, that the Commission waives ARSD 20:10:24:02(9) and ARSD 20:10:32:03(12). It is

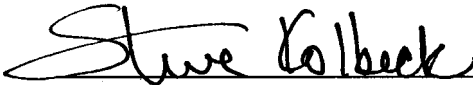
FURTHER ORDERED, that this order constitutes Velocity's certificate of authority as described above.

Dated at Pierre, South Dakota, this 2nd day of February, 2010.

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></u>
Date: <u>2/2/10</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:


DUSTIN M. JOHNSON, Chairman


STEVE KOLBECK, Commissioner


GARY HANSON, Commissioner