

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

**IN THE MATTER OF THE APPLICATION OF)
ONVOY, INC. DBA ONVOY VOICE SERVICES)
FOR A CERTIFICATE OF AUTHORITY TO)
PROVIDE LOCAL EXCHANGE SERVICES IN)
SOUTH DAKOTA)**

**ORDER GRANTING
CERTIFICATE OF
AUTHORITY**

TC12-030

On March 27, 2012, Onvoy, Inc. dba Onvoy Voice Services (Onvoy) filed an Application for a Certificate of Authority to Provide Facilities-Based and Resold Local Exchange Telecommunications Services in South Dakota with the Public Utilities Commission (Commission). On March 29, 2012, the Commission electronically transmitted notice of the filing and the intervention deadline of April 13, 2012, to interested individuals and entities. No petitions to intervene or comments were filed.

Onvoy's billing practice involves pre-billing for services provided. As a result, based on Staff's request, Onvoy obtained an Indemnity Bond for \$25,000 to run in the favor of South Dakota consumers. The bond was filed on April 30, 2012.

At its regularly scheduled May 8, 2012, meeting, the Commission considered Onvoy's Application. Commission Staff recommended the Commission grant Onvoy's request and issue a Certificate of Authority with the bond in place to protect South Dakota consumers from any issue that could result from prepayments. In addition, Staff recommended the certificate of authority be subject to rural safeguards.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3, 49-31-69 through 49-31-75, and ARSD 20:10:24:02 and 20:10:32:03. The Commission finds that Onvoy has met the legal requirements established for the granting of a certificate of authority. Onvoy has, in accordance with SDCL 49-31-3 and 49-31-71, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota.

The Commission approves Onvoy's application for a certificate of authority with bond protection and subject to rural safeguards. The certificate of authority for Onvoy shall authorize it to provide local exchange telecommunications service in South Dakota, except in those areas served by a rural telephone company. In the future, should Onvoy choose to provide local exchange services in areas served by a rural telephone company Onvoy 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). This 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).

ORDERED, that Onvoy's application for a certificate of authority to provide local exchange services is granted, subject to bond protection for South Dakota consumers and rural safeguards. It is

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

FURTHER ORDERED, that this order constitutes Onvoy's Certificate of Authority as described above.

Dated at Pierre, South Dakota, this 14th day of May, 2012.

<p style="text-align: center;">CERTIFICATE OF SERVICE</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, electronically.</p> <p>By: <u>Joy Sherry</u></p> <p>Date: <u>5-11-12</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner