

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

IN THE MATTER OF THE APPLICATION OF) AIRESRING INC. FOR A CERTIFICATE OF) AUTHORITY TO PROVIDE LOCAL) EXCHANGE SERVICES IN SOUTH DAKOTA))	ORDER GRANTING CERTIFICATE OF AUTHORITY TC12-180
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On October 22, 2012, the Public Utilities Commission (Commission) received an application for a Certificate of Authority to provide local exchange services from Airespring Inc. (Airespring). On October 25, 2012, the Commission electronically transmitted notice of the filing and the intervention deadline of November 9, 2012, to interested individuals and entities. No petitions to intervene or comments were filed. On November 9, 2012, Airespring responded to staff's data request.

At its regularly scheduled meeting on November 20, 2012, the Commission considered Airespring's request for a Certificate of Authority. Commission Staff recommended granting a Certificate of Authority with the condition that Airespring not offer any prepaid services to retail customers including prepaid calling cards and not accept or require any deposits or advance payments from retail customers without prior approval of the Commission, and 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 20:10:32:03. The Commission finds that Airespring has met the legal requirements established for the granting of a Certificate of Authority. Airespring 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 Airespring's application for a Certificate of Authority subject to the condition that Airespring not offer any prepaid services to retail customers (including prepaid calling cards) and not accept or require any deposits or advance payments from retail customers without prior approval of the Commission, and subject to rural safeguards. The Certificate of Authority for Airespring 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 Airespring choose to provide local exchange services statewide, with respect to rural telephone companies, Airespring 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).

ORDERED, that Airespring's application for a Certificate of Authority to provide local exchange services is granted, subject to the condition that Airespring not offer any prepaid services to retail customers (including prepaid calling cards) and not accept or require any

deposits or advance payments from retail customers without prior approval of the Commission, and subject to rural safeguards. It is

FURTHER ORDERED, that this Certificate of Authority authorizes Airespring 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 Airespring's Certificate of Authority as described above.

Dated at Pierre, South Dakota, this 29th day of November, 2012.

<p 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 Spring</u></p> <p>Date: <u>Nov. 29, 2012</u></p> <p align="center">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner