

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

**IN THE MATTER OF THE APPLICATION OF)
TALK AMERICA SERVICES, LLC FOR A)
CERTIFICATE OF AUTHORITY TO)
PROVIDE LOCAL EXCHANGE SERVICES)
AND INTEREXCHANGE LONG DISTANCE)
SERVICES IN SOUTH DAKOTA)**

**ORDER GRANTING
CERTIFICATE OF
AUTHORITY AND GRANTING
WAIVERS**

TC14-082

On September 25, 2014, the South Dakota Public Utilities Commission (Commission) received an application for a certificate of authority to provide resold local exchange services and interexchange telecommunications services to residential customers in South Dakota from Talk America Services, LLC (TAS). TAS requested a waiver of the cash flow statement required in ARSD 20:10:24:02(9) and 20:10:32:03(12).

On October 2, 2014, the Commission electronically transmitted notice of the filing and the intervention deadline of October 17, 2014, to interested individuals and entities. On October 23, 2014, South Dakota Telecommunications Association (SDTA) filed a petition to intervene in the docket. On November 4, 2014, SDTA filed a letter withdrawing its petition to intervene.

At its regularly scheduled November 12, 2014, meeting, the Commission considered TAS's request for a certificate of authority. Commission staff recommended granting a certificate of authority, subject to the condition that TAS 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, and subject to rural safeguards. Commission staff further recommended a waiver of the cash flow statement required in ARSD 20:10:24:02(9) and 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, 49-31-69 through 49-31-75, ARSD 20:10:24:02, 20:10:24:03, 20:10:32:03, and 20:10:32:06. The Commission voted unanimously to approve the waivers of the cash flow statement required in ARSD 20:10:24:02(9) and 20:10:32:03(12) and to approve TAS's application for a certificate of authority subject to the condition that TAS 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, and subject to rural safeguards. The Commission finds that TAS has met the legal requirements established for the granting of a certificate of authority. TAS 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. Further, the Commission finds there is good cause to waive the cash flow statement required in ARSD 20:10:24:02(9) and 20:10:32:03(12). The certificate of authority for TAS shall authorize it to provide local exchange and intrastate interexchange telecommunications service in South Dakota, except in those areas served by a rural telephone company. In the future, should TAS choose to provide local exchange services in areas served by a rural telephone company, TAS 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 TAS's application for a certificate of authority to provide interexchange services in South Dakota is granted. It is further

ORDERED, that TAS's application for a certificate of authority to provide local exchange services is granted, subject to the condition that TAS 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 this certificate of authority authorizes TAS to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company. It is further

ORDERED, that TAS's request for a waiver of the cash flow statement required in ARSD 20:10:24:02(9) and 20:10:32:03(12) is granted. It is further

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

Dated at Pierre, South Dakota, this 25th day of November, 2014.

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>Joy Lasky</u>
Date: <u>11.25.14</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner