

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

**IN THE MATTER OF THE APPLICATION OF )  
NETFORTRIS ACQUISITION CO., INC. FOR A )  
CERTIFICATE OF AUTHORITY TO PROVIDE )  
LOCAL EXCHANGE SERVICES IN SOUTH )  
DAKOTA )**

**ORDER GRANTING  
CERTIFICATE OF  
AUTHORITY  
  
TC15-001**

On January 12, 2015, the Public Utilities Commission (Commission) received an application from NetFortris Acquisition Co., Inc. (NetFortris) requesting a certificate of authority to provide local exchange services in South Dakota for the purpose of providing resold local exchange and resold Voice over Internet Protocol (VoIP) communications services. NetFortris requests authority throughout the territories and exchanges of CenturyLink. On February 6, 2015, NetFortris responded to Commission staff's data request.

On January 15, 2015, the Commission electronically transmitted notice of the filing and the intervention deadline of January 30, 2015, to interested individuals and entities. No petitions to intervene or comments were filed.

At its regularly scheduled meeting on March 2 2015, the Commission considered NetFortris' request for a certificate of authority. Commission staff recommended granting a certificate of authority with the conditions that NetFortris 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 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 NetFortris has met the legal requirements established for the granting of a certificate of authority. NetFortris 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 NetFortris' application for a certificate of authority subject to the condition that NetFortris 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 certificate of authority for NetFortris 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 NetFortris choose to provide local exchange services statewide, with respect to rural telephone companies, NetFortris 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 NetFortris' application for a certificate of authority to provide local exchange services is granted, subject to the conditions that NetFortris not offer any prepaid services, for retail purposes, (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 NetFortris 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 NetFortris' certificate of authority as described above.

Dated at Pierre, South Dakota, this 4<sup>th</sup> day of March, 2015.

<p style="text-align: center;"><b>CERTIFICATE OF SERVICE</b></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 or by mail.</p> <p>By: <u>Kolayne West</u></p> <p>Date: <u>3-4-15</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