

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

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| IN THE MATTER OF THE APPLICATION OF) YAK COMMUNICATIONS (AMERICA) INC.) FOR A CERTIFICATE OF AUTHORITY TO) PROVIDE INTEREXCHANGE) TELECOMMUNICATIONS SERVICES IN) SOUTH DAKOTA) | ORDER GRANTING CERTIFICATE OF AUTHORITY TC03-114 |
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On July 16, 2003, the Public Utilities Commission (Commission), in accordance with SDCL 49-31-3 and ARSD 20:10:24:02, received an application for a certificate of authority from Yak Communications (America) Inc. (Yak).

Yak proposes to provide resold interexchange services, including 1+ long distance, 10-10 casual calling services and toll-free services throughout South Dakota. A proposed tariff was filed by Yak. The Commission has classified long distance service as fully competitive.

On July 17, the Commission electronically transmitted notice of the filing and the intervention deadline of August 1, 2003, to interested individuals and entities. No petitions to intervene or comments were filed and at its August 19, 2003, meeting, the Commission considered Yak's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to the condition that Yak not offer a prepaid calling card or require or accept deposits or advance payments without prior approval of the Commission. Commission Staff further recommended a waiver of ARSD 20:10:24:02(8).

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 20:10:24:03. The Commission finds that Yak has met the legal requirements established for the granting of a certificate of authority. Yak 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(8). The Commission approves Yak's application for a certificate of authority, subject to the condition that Yak not offer a prepaid calling card or require or accept deposits or advance payments without prior approval of the Commission. As the Commission's final decision in this matter, it is therefore

ORDERED, that Yak's application for a certificate of authority to provide interexchange telecommunications services is hereby granted, effective September 15, 2003, subject to the condition that Yak not offer a prepaid calling card or require or accept deposits or advance payments without prior approval of the Commission. It is

FURTHER ORDERED, that the Commission waives ARSD 20:10:24:02(8). It is

FURTHER ORDERED, that Yak shall file informational copies of tariff changes with the Commission as the changes occur.

Dated at Pierre, South Dakota, this 28th day of August, 2003.

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| 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, by first class mail, in properly addressed envelopes, with charges prepaid thereon. | |
| By: | <u>Helaine Kalbo</u> |
| Date: | <u>8/29/03</u> |
| (OFFICIAL SEAL) | |

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner