

T000-072

TC00-072

KOKS

TC00-072

DOCKET NO.

In the Matter of \_\_\_\_\_

IN THE MATTER OF THE  
APPLICATION OF SIESTA TELECOM,  
INC. FOR A CERTIFICATE OF  
AUTHORITY TO PROVIDE  
TELECOMMUNICATIONS SERVICES IN  
SOUTH DAKOTA

Public Utilities Commission of the State of South Dakota

DATE

MEMORANDA

4/17/00 Filed and Docketed;  
4/20/00 Public Filing;  
4/22/00 Public Hearing COA;  
4/23/00 Docket Closed

TC00-072

**Lance J.M. Steinhart**  
Attorney At Law  
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Duluth, Georgia 30097

Also Admitted in New York  
and Maryland

Telephone: (770) 232-9200  
Facsimile: (770) 232-9208

April 14, 2000

**VIA OVERNIGHT DELIVERY**

Mr. William Bullard  
Executive Director  
South Dakota Public Utilities Commission  
300 East Capitol Avenue  
Ave. Pierre, SD 57501-5070  
(605) 773-1201

RECEIVED

APR 17 2000

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

Re: Siesta Telecom, Inc.

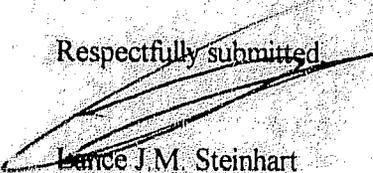
Dear Mr. Bullard:

Enclosed please find one original and ten (10) copies of Siesta Telecom, Inc.'s Application for Registration of a Telecommunications Company.

I have also enclosed a check in the amount of \$250.00 payable to the "South Dakota Public Utilities Commission" for the filing fee, and an extra copy of this cover letter to be date stamped and returned to me in the enclosed self-addressed prepaid envelope.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me.

Respectfully submitted,

  
Lance J.M. Steinhart  
Attorney for Siesta Telecom, Inc.

Enclosures  
cc Peter Slater

APPLICATION FOR REGISTRATION  
OF SIESTA TELECOM, INC.  
FILED WITH THE  
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE )  
APPLICATION OF )  
SIESTA TELECOM, INC. )  
 )  
FOR AN ORDER )  
AUTHORIZING THE REGISTRATION )  
OF APPLICANT AS A )  
TELECOMMUNICATIONS COMPANY )

Docket No.

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

APR 17 2003

APPLICATION

Application is hereby made to the South Dakota Public Utilities Commission for an Order authorizing Siesta Telecom, Inc. ("Applicant") to register as a telecommunications company within the State of South Dakota. The following information is furnished in support thereof:

1. Name, Address and Telephone Number of Applicant:

Siesta Telecom, Inc.  
5951 Cattleridge Blvd.; Suite 100  
Sarasota, Florida 34232  
Telephone: (941) 342-1712  
Toll-Free Customer Service: 800-720-5114

2. The name under which the Applicant will provide these services if different than in 1. above:

Applicant's corporate information:

Applicant was organized in the State of Florida on November 3, 1977. A copy of the Applicant's Articles of Incorporation is attached hereto as Exhibit A. A copy of Applicant's Certificate of Authority to transact business as a foreign corporation in the State of South Dakota is attached hereto as Exhibit B.

The Applicant has no principal office in South Dakota. The name and address of the Applicant's registered agent is:

National Corporate Research, LTD.  
c/o Marilyn Person  
414 West Third  
Pierre, SD 57501

The names and address of each corporation, association, partnership, cooperative, or individual holding a 20% or greater ownership or management interest in the Applicant corporation and the amount and character of the ownership or management interest are as follows:

Name and Address	Shares Owned	Percentage of all Shares Issued and Outstanding and Voting Control
W. Clayton May 2202 Cambridge Blvd. Suite 100 Tampa, Florida 34232	850	85%

4. Participation Information:

Not Applicable.

5. Description of Services Applicant intends to offer:

Applicant is a switch-based reseller which intends to offer ~~to~~ and ~~is/XXXX~~ direct outbound dialing, 800/888 toll-free inbound dialing, travel card service, and prepaid calling card service.

6. Means by which the Applicant intends to provide services:

Applicant does not own or maintain any transmission facilities or switching equipment in the State of South Dakota. The Applicant will provide services through Qwest Communications, its underlying carrier. As a reseller, Applicant has no points of presence in the State of South Dakota, thus Applicant neither owns, leases, nor operates any switching, transmission, or other physical facilities in the State of South Dakota, and no such facilities will be used by Applicant in providing service in the State of South Dakota. Rather, Applicant will be engaged in reselling services provided by facilities-based carriers within the State of South Dakota.

7. Geographic Areas in which services will be offered:

Applicant intends to provide services on a statewide basis.

8. Financial Qualifications:

Applicant is financially qualified to provide intrastate interexchange telecommunications services within South Dakota. In particular, Applicant has adequate access to the capital necessary to fulfill any obligations it may undertake with respect to the provision of intrastate telecommunications

services in the State of South Dakota. See Exhibit C, which is attached hereto, Applicant's Balance Sheet & Income Statement for the year ended December 31, 1999, which demonstrates that Applicant has the financial ability to provide the services that it proposes to offer. Applicant hereby respectfully requests a waiver of ARSD 20:10:24:02(8) to the extent it requires applicant to file a current balance sheet, income statement, and cash flow statements.

9. Applicant's complaints and regulatory matters contact and how Applicant handles customer billings and customer service matters.

All inquiries regarding regulatory matters should be addressed to:

Richard T. Seal, Chief Financial Officer  
5951 Cattleridge Blvd.; Suite 100  
Sarasota, Florida 34232  
Telephone: (941) 342-1712  
Facsimile: (941) 342-8270  
E-Mail: rickseal@siestatelecom.com

All inquiries regarding complaints should be addressed to:

Donna Campbell, Customer Service Manager  
5951 Cattleridge Blvd.; Suite 100  
Sarasota, Florida 34232  
Telephone: (941) 342-1712  
Facsimile: (941) 342-8270  
E-Mail: donnacampbell@siestatelecom.com

The Applicant's customers will be direct billed utilizing "real-time" completed call detail information from Applicant's underlying carriers. Applicant's toll-free number will be on all invoices and prepaid calling cards, and customer service will be provided in-house by the Applicant.

**10. Regulatory Status:**

Applicant is currently in the process of obtaining all required authorizations from the state regulatory agencies. Applicant is currently authorized to provide service in Iowa, New Jersey, Montana, Michigan, Virginia, Utah, Texas and Wyoming, and has authorization from the FCC.

The Applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified. The Applicant has never been denied registration or certification nor withdrawn its request for registration or certification in any state.

11. Description of Marketing

Applicant intends to market its services to primarily to residential customers and to small to mid-sized businesses. All sales personnel will have telecommunications service experience.

Applicant will market through direct sales by employees and agents. Applicant does not intend to engage in multilevel marketing at this time. Applicant's marketing materials are currently being developed and are not available at this time.

12. Cost Support:

Applicant intends to provide services at a price above its cost.

13. Federal Tax Identification Number:

65-0797444

14. The Number and Nature of Complaints filed against the Applicant with any state or federal regulatory commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered:

None

15. Tariff

A copy of Applicant's proposed tariff is attached hereto as Exhibit E.

WHEREFORE, the undersigned Applicant requests that the South Dakota Public Utilities Commission enter an order granting this application.

DATED this 14 day of April, 2000.

Siesta Telecom, Inc.

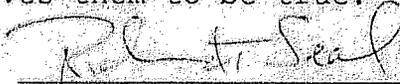
By:   
Lance M. Steinhart, Its Counsel

6455 East Johns Crossing  
Suite 285  
Duluth, Georgia 30097  
(770) 232-9200

State of Florida

County of Sarasota

Richard T. Seal, being first duly sworn, deposes and says that he/she is the Chief Financial Officer of Siesta Telecom, Inc., the Applicant in the proceeding entitled above, that he/she has read the foregoing application and knows the contents thereof; that the same are true of his/her knowledge, except as to matters which are therein stated on information or belief, and to those matters he/she believes them to be true.



Richard T. Seal  
Chief Financial Officer

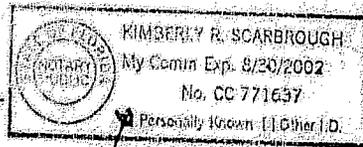
Subscribed and sworn to before this 5 day of April, 2000.

Notary Public

*Kimberly Scarborough*

My Commission expires:

*8/30/02*



LIST OF EXHIBITS

- A - ARTICLES OF INCORPORATION
- B - CERTIFICATE OF AUTHORITY
- C - MARKETING MATERIAL
- D - FINANCIAL INFORMATION
- E - PROPOSED TARIFF

EXHIBIT A - ARTICLES OF INCORPORATION

# State of Florida



Department of State

I certify the attached is a true and correct copy of the Articles of Incorporation of SIESTA TELECOM, INC., a Florida corporation, filed on November 3, 1997, as shown by the records of this office.

The document number of this corporation is P97000093960.

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capitol, this the  
Third day of November, 1997



CR2EQ22 (2-95)

*Sandra B. Northam*

Sandra B. Northam  
Secretary of State

ARTICLES OF INCORPORATION  
OF  
SIESTA TELECOM, INC.

FILED  
97 NOV -3 AM 11:21  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

The undersigned, for the purpose of forming and organizing a corporation for profit under the provisions of the laws of the State of Florida, hereby adopts the following Articles of Incorporation:

ARTICLE I - NAME

The name of the corporation is Siesta TeleCom, Inc.

ARTICLE II - PURPOSE

The corporation is authorized to conduct any activity or business permitted under the laws of the United States and of the State of Florida.

ARTICLE III - PRINCIPAL OFFICE

The principal place of business and the mailing address of the corporation shall be 7436 Myrica Drive, Sarasota, Florida 34241.

ARTICLE IV - CAPITAL STOCK

The corporation is authorized to issue 1,000 shares of common stock having a par value of \$1.00. Each share of common stock shall entitle the holder thereof to one vote on each matter considered at any stockholder's meeting. Said share shall be paid for in lawful money

of the United States of America or in property, labor or services rendered at a just valuation to be fixed by the Board of Directors and said share shall be deemed fully paid and nonassessable. The Corporation elects to have preemptive rights.

#### ARTICLE V - DURATION

This corporation shall have perpetual existence unless sooner dissolved according to law.

#### ARTICLE VI - SHAREHOLDER VOTING REQUIREMENTS

When a quorum exists at any meeting of the Shareholders, action on a matter, other than the election of Directors, is approved if the votes cast by the holders of not less than a majority of the shares represented at such meeting, and entitled to vote on the subject matter favor the action.

#### ARTICLE VII - DIRECTORS

This corporation shall have an initial Board of Directors consisting of two (2) directors, whose names and street addresses are as follows:

##### NAME

B. Stephen May

David V. Dwiggin

##### ADDRESS

7436 Myrica Drive  
Sarasota, Florida 34241

7375 Mara Vista Drive  
Sarasota, Florida 34238

## ARTICLE VIII - INCORPORATOR

The name and address of the incorporator of this corporation is as follows:

### NAME

Steven H. Judd

### ADDRESS

2940 South Tamiami Trail  
Sarasota, Florida 34239

## ARTICLE IX - BYLAWS

The original Bylaws of this corporation shall be made, prepared and adopted by a majority vote of the initial Board of Directors as named herein. Thereafter, the Board of Directors, and the shareholders, shall have authority to adopt, amend, change, repeal or enlarge Bylaws as provided in the Bylaws from time to time.

## ARTICLE X - INDEMNIFICATION

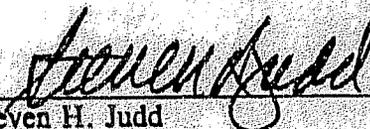
Subject to the laws of the State of Florida, this corporation shall indemnify and hold harmless its officers and directors of and from any suits, actions, or judgments either civil or criminal arising out of any act alleged to have been committed by such person in his capacity as an officer or director if such officer or director acted in good faith and in the reasonable belief that such action was in the best interest of the corporation and in the event of criminal allegations without reasonable ground for belief that such action was unlawful. The corporation shall pay all costs, legal expenses, and other charges that said officers and directors may incur in the defense of any claim, suit or action that may be instituted against said officers in their individual capacity. It is the express purpose and intent that the corporation shall hold its

officers and directors harmless from any action taken by them on its behalf to the full extent and  
limit permitted by law.

**ARTICLE XI - PRINCIPAL OFFICE AND REGISTERED AGENT**

This corporation has named Steven H. Judd as its agent to accept service of process  
within the State. The street address of the initial registered office is 2940 South Tamiami Trail,  
Sarasota, Florida 34239.

IN WITNESS WHEREOF, the undersigned incorporator has executed the foregoing  
Articles of Incorporation this 31st day of October, 1997.

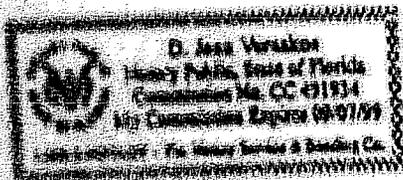
  
\_\_\_\_\_  
Steven H. Judd

STATE OF FLORIDA  
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 31st day of October,  
1997, by Steven H. Judd who is personally known to me or who has produced his Florida  
Driver's License as identification.

My commission expires:

  
\_\_\_\_\_  
Print Name: D. Jean Versakos  
NOTARY PUBLIC



ACKNOWLEDGMENT:

Having been named to accept service of process for the corporation, at the place designated above, I hereby accept the appointment of registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties and am familiar with and accept the obligations of the position as registered agent.

  
\_\_\_\_\_  
Steven H. Judd

NOV 3 11 21 AM '97  
TALLAHASSEE, FLORIDA  
SECRETARY OF STATE

EXHIBIT B - CERTIFICATE OF AUTHORITY

# State of South Dakota



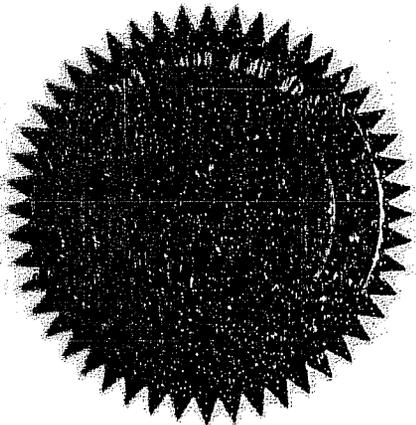
## OFFICE OF THE SECRETARY OF STATE

### Certificate of Authority

I, **JOYCE HAZELTINE**, Secretary of State of the State of South Dakota, hereby certify that the Application for a Certificate of Authority of **SIESTA TELECOM, INC. (FL)** to transact business in this state duly signed and verified pursuant to the provisions of the South Dakota Corporation Acts, have been received in this office and are found to conform to law.

**ACCORDINGLY** and by virtue of the authority vested in me by law, I hereby issue this Certificate of Authority and attach hereto a duplicate of the application to transact business in this state.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the Great Seal of the State of South Dakota, at Pierre, the Capital, this April 12, 2000.



**Joyce Hazeltine**  
Secretary of State

EXHIBIT C - MARKETING MATERIAL  
Not Available

EXHIBIT D - FINANCIAL INFORMATION

SIESTA TELECOM, INC  
Balance Sheet  
December 31, 1999

ASSETS

<b>Current Assets</b>	
Regular Checking Account	\$ 449,198.07
Accounts Receivable	1,361,455.76
Inventory	743,478.74
Prepaid Expenses	800,000.00
Employee Advances	4,159.00
Other Current Assets	13,792.50
	<hr/>
<b>Total Current Assets</b>	<b>3,372,084.07</b>
<b>Property and Equipment</b>	
Furniture and Fixtures	85,020.52
Equipment	431,100.73
Automobiles	27,068.76
Computer Software	81,000.00
Accum. Depreciation-Furniture	<7,817.43>
Accum. Depreciation-Equipment	<57,933.58>
Accum. Depreciation-Automobil	<8,120.63>
Accum. Depreciation-Software	<8,100.00>
	<hr/>
<b>Total Property and Equipment</b>	<b>542,218.37</b>
<b>Other Assets</b>	
Organization Costs	1,575.35
Other Noncurrent Assets	200.00
	<hr/>
<b>Total Other Assets</b>	<b>1,775.35</b>
<b>Total Assets</b>	<b>\$ 3,916,077.79</b>

LIABILITIES AND CAPITAL

<b>Current Liabilities</b>	
Accounts Payable	\$ 5,548,432.87
Federal Payroll Taxes Payable	88,561.02
SUTA Tax Payable	5,702.77
Other Current Liabilities	250.62
	<hr/>
<b>Total Current Liabilities</b>	<b>5,642,947.28</b>
<b>Long-Term Liabilities</b>	
	<hr/>
<b>Total Long-Term Liabilities</b>	<b>0.00</b>
	<hr/>
<b>Total Liabilities</b>	<b>5,642,947.28</b>
<b>Capital</b>	
Common Stock	100.00
Paid in Capital	100,100.00
Retained Earnings	855,507.48
Ret. Earnings-Net Adjustments	923,757.89
Net Income	<3,606,334.86>
	<hr/>
<b>Total Capital</b>	<b>&lt;1,726,869.49&gt;</b>
<b>Total Liabilities &amp; Capital</b>	<b>\$ 3,916,077.79</b>

**SIESTA TELECOM, INC**  
**Income Statement**  
For the Twelve Months Ending December 31, 1999

	Current Month		Year to Date	
<b>Revenues</b>				
CARD SALES	3,677,818.04	99.52	46,935,948.34	99.94
Interest Income	17,595.58	0.48	28,055.31	0.06
Other Income	0.00	0.00	173.69	0.00
Refunds	0.00	0.00	62.75	0.00
<b>Total Revenues</b>	<b>3,695,413.62</b>	<b>100.00</b>	<b>46,964,240.09</b>	<b>100.00</b>
<b>Cost of Sales</b>				
Cost of Sales	71,166.66	1.93	1,323,770.40	2.82
Network Usage Expense	2,106,330.29	57.00	41,219,586.30	87.77
<b>Total Cost of Sales</b>	<b>2,177,496.95</b>	<b>58.92</b>	<b>42,543,356.70</b>	<b>90.59</b>
<b>Gross Profit</b>	<b>1,517,916.67</b>	<b>41.08</b>	<b>4,420,883.39</b>	<b>9.41</b>
<b>Expenses</b>				
Advertising Expense	141,005.57	3.82	930,172.11	1.98
Audit Expenses	5,483.01	0.15	72,772.23	0.15
Bad Debt Expense	245,279.07	6.64	591,735.47	1.26
Bank Charges	879.02	0.02	6,699.96	0.01
Charitable Contributions Exp	0.00	0.00	24,876.00	0.05
Commissions and Fees Exp	17,593.02	0.48	497,742.19	1.06
Depreciation Expense	81,971.64	2.22	81,971.64	0.17
Disc and Subscriptions Exp	35.00	0.00	82,894.44	0.18
Employee Benefit Programs Exp	540.00	0.01	32,096.62	0.07
Employee Fringe Benefits	2,441.60	0.07	2,441.60	0.01
Freight Expense	12,532.87	0.34	187,408.44	0.40
Gift Expense	7,847.25	0.21	18,642.58	0.04
Insurance Expense	31,192.08	0.84	152,856.20	0.33
Laundry and Cleaning Exp	0.00	0.00	306.02	0.00
Legal and Professional Expense	42,950.00	1.16	555,408.87	1.18
Licenses Expense	0.00	0.00	3,737.00	0.01
Maintenance Expense	1,648.36	0.04	1,648.36	0.00
Meals and Entertainment Exp	156.00	0.00	41,546.66	0.09
Office Expense	9,505.36	0.26	103,566.21	0.22
Payroll Tax Expense	36,302.66	0.98	231,123.12	0.49
Printing Expense	2,282.55	0.06	31,447.14	0.07
Rent or Lease Expense	19,514.42	0.53	263,804.17	0.56
Repairs Expense	107.62	0.00	1,193.53	0.00
Salaries Expense	509,529.22	13.79	3,026,206.83	6.44
Supplies Expense	808.02	0.02	31,208.12	0.07
Telephone Expense	5,914.81	0.16	144,441.25	0.31
Travel Expense	18,690.26	0.51	317,974.67	0.68
Utilities Expense	1,894.44	0.05	17,838.78	0.04
Wages/Temp Labor Expense	42,310.42	1.14	502,659.05	1.07
Other Expense	6,447.57	0.17	72,983.99	0.16
Gain/Loss on Sale of Assets	0.00	0.00	<2,185.00>	0.00
<b>Total Expenses</b>	<b>1,244,861.84</b>	<b>33.69</b>	<b>8,027,218.25</b>	<b>17.09</b>
<b>Net Income</b>	<b>\$ 273,054.83</b>	<b>7.39</b>	<b>\$ &lt;3,606,334.86&gt;</b>	<b>&lt;7.68&gt;</b>

EXHIBIT E - PROPOSED TARIFF

TELECOMMUNICATIONS SERVICES TARIFFTITLE SHEETSOUTH DAKOTA TELECOMMUNICATIONS TARIFF

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service or facilities for Telecommunications Services furnished by Siesta Telecom, Inc. ("Siesta"), with principal offices at 5951 Cattleridge Blvd.; Suite 100, Sarasota, Florida 34232. This tariff applies for services furnished within the State of South Dakota. This tariff is on file with the South Dakota Public Utilities Commission, and copies may be inspected, during normal business hours, at the company's principal place of business.

---

ISSUED: April 17, 2000

EFFECTIVE:

, 2000

ISSUED BY: Peter Slater, Chief Operating Officer  
5951 Cattleridge Blvd.; Suite 100  
Sarasota, Florida 34232

SIESTA TELECOM, INC.

ORIGINAL SHEET 2

SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

RESERVED FOR FUTURE USE

ISSUED: April 17, 2000

EFFECTIVE:

, 2000

ISSUED BY:

Peter Slater, Chief Operating Officer

5951 Cattleridge Blvd.; Suite 100

Sarasota, Florida 34232

TELECOMMUNICATIONS SERVICES TARIFF

CHECK SHEET

The sheets of this tariff are effective as of the date shown at the bottom of the respective sheet(s). Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date on the bottom of this sheet.

SHEET

REVISION

1	Original
2	Original
3	Original
4	Original
5	Original
6	Original
7	Original
8	Original
9	Original
10	Original
11	Original
12	Original
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26	Original
27	Original
28	Original
29	Original
30	Original
31	Original
32	Original

\* New or Revised Sheet

ISSUED: April 17, 2000

EFFECTIVE: , 2000

ISSUED BY: Peter Slater, Chief Operating Officer  
5951 Cattleridge Blvd.; Suite 100  
Sarasota, Florida 34232

TELECOMMUNICATIONS SERVICES TARIFFTABLE OF CONTENTS

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ISSUED: April 17, 2000

EFFECTIVE: , 2000

ISSUED BY: Peter Slater, Chief Operating Officer  
 5951 Cattleridge Blvd.; Suite 100  
 Sarasota, Florida 34232

TARIFF FORMAT

A. Sheet Numbering: Sheet numbers appear in the upper right corner of the page. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between pages 11 and 12 would be page 11.1.

B. Sheet Revision Numbers: Revision numbers also appear in the upper right corner of each sheet where applicable. These numbers are used to indicate the most current page version on file with the Commission. For example, 4th Revised Sheet 13 cancels 3rd Revised Sheet 13. Consult the Check Sheet for the sheets currently in effect.

C. Paragraph Numbering Sequence: There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:

2.  
2.1  
2.1.1  
2.1.1.A  
2.1.1.A.1  
2.1.1.A.1.(a)  
2.1.1.A.1.(a).I  
2.1.1.A.1.(a).I.(i)  
2.1.1.A.1.(a).I.(i).(1)

D. Check Sheets: When a tariff filing is made with the Commission, an updated Check Sheet accompanies the tariff filing. The Check Sheet lists the sheets contained in the tariff, with a cross reference to the current Revision Number. When new sheets are added, the Check Sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk (\*). There will be no other symbols used on this sheet if these are the only changes made to it (i.e., the format, etc. remains the same, just revised revision levels on some sheets). The tariff user should refer to the latest Check Sheet to find out if a particular sheet is the most current filed with the Commission.

ISSUED: April 17, 2000

EFFECTIVE: , 2000

ISSUED BY: Peter Slater, Chief Operating Officer  
5951 Cattleridge Blvd.; Suite 100  
Sarasota, Florida 34232

TELECOMMUNICATIONS SERVICES TARIFF

SYMBOLS

The following are the only symbols used for the purposes indicated below:

- (C) to signify change in regulation
- (D) to signify a deletion
- (I) to signify a rate increase
- (L) to signify material relocated in the tariff
- (N) to signify a new rate or regulation
- (R) to signify a rate reduction
- (T) to signify a change in text, but no change in rate or regulation

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

Access Line - An arrangement from a local exchange telephone company or other common carrier, using either dedicated or switched access, which connects a Customer's location to the Company's location or switching center.

Authorization Code - A numerical code, one or more of which may be assigned to a Customer, to enable the Company to identify the origin of the Customer so it may rate and bill the call. Automatic number identification (ANI) is used as the authorization code wherever possible.

Commission - Used throughout this tariff to mean the South Dakota Public Utilities Commission.

Customer - The person, firm, corporation or other legal entity which orders the services of the Company and is responsible for the payment of charges and for compliance with the Company's tariff regulations.

Company or Siesta - Used throughout this tariff to mean Siesta Telecom, Inc., a Florida Corporation.

Dedicated Access - The Customer gains entry to the Company's services by a direct path from the Customer's location to the Company's point of presence.

Holiday - New Year's Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Holidays shall be billed at the evening rate from 8 a.m. to 11 p.m. After 11 p.m., the lower night rate shall go into effect.

Prepaid Account - An inventory of Telecom Units purchased in advance by the Customer, and associated with one and only one Authorization Code as contained in a specific Prepaid Calling Card.

Prepaid Calling Card - A card issued by the Company, containing an Authorization Code which identifies a specific Prepaid Account of Telecom Units, which enables calls to be processed, account activity to be logged, and balances to be maintained, on a prepayment basis.

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Resp. Org - Responsible Organization or entity identified by an 800 service Customer that manages and administers records in the 800 database and management system.

Switched Access - The Customer gains entry to the Company's services by a transmission line that is switched through the local exchange carrier to reach the Company's point of presence.

Telecom Unit - A measurement of telecommunications service equivalent to one minute of usage between any two points within the State of South Dakota.

Telecommunications - The transmission of voice communications or, subject to the transmission capabilities of the services, the transmission of data, facsimile, signaling, metering, or other similar communications.

Underlying Carrier - The telecommunications carrier whose network facilities provide the technical capability and capacity necessary for the transmission and reception of Customer telecommunications traffic.

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TELECOMMUNICATIONS SERVICES TARIFFSECTION 2 - RULES AND REGULATIONS2.1 Undertaking of the Company

This tariff contains the regulations and rates applicable to intrastate telecommunications services provided by the Company for telecommunications between points within the State of South Dakota. Services are furnished subject to the availability of facilities and subject to the terms and conditions of this tariff in compliance with limitations set forth in the Commission's rules. The Company's services are provided on a statewide basis and are not intended to be limited geographically. The Company offers service to all those who desire to purchase service from the Company consistent with all of the provisions of this tariff. Customers interested in the Company's services shall file a service application with the Company which fully identifies the Customer, the services requested and other information requested by the Company. The Company reserves the right to examine the credit record and check the references of all applicants and Customers. The Company may examine the credit profile/record of any applicant prior to accepting the service order. The service application shall not in itself obligate the Company to provide services or to continue to provide service if a later check of applicant's credit record is, in the opinion of the Company, contrary to the best interest of the Company.

The Company may act as the Customer's agent for ordering access connection facilities provided by other carriers or entities when authorized by the Customer, to allow connection of a Customer's location to a service provided by the Company. The Customer shall be responsible for all charges due for such service arrangement.

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- 2.1.1 The services provided by the Company are not part of a joint undertaking with any other entity providing telecommunications channels, facilities, or services, but may involve the resale of the Message Toll Services (MTS) and Wide Area Telecommunications Services (WATS) of underlying common carriers which may be subject to the jurisdiction of this Commission.
- 2.1.2 The rates and regulations contained in this tariff apply only to the services furnished by the Company and do not apply, unless otherwise specified, to the lines, facilities, or services provided by a local exchange telephone company or other common carriers for use in accessing the services of the Company.
- 2.1.3 The Company reserves the right to limit the length of communications, to discontinue furnishing services, or limit the use of service necessitated by conditions beyond its control, including, without limitation: lack of satellite or other transmission medium capacity; the revision, alteration or repricing of the Underlying Carrier's tariffed offerings; or when the use of service becomes or is in violation of the law or the provisions of this tariff.

2.2 Use of Services

- 2.2.1 The Company's services may be used for any lawful purpose consistent with the transmission and switching parameters of the telecommunications facilities utilized in the provision of services, subject to any limitations set forth in this Section 2.2.
- 2.2.2 The use of the Company's services to make calls which might reasonably be expected to frighten, abuse, torment, or harass another or in such a way as to unreasonably interfere with use by others is prohibited.

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- 2.2.3 The use of the Company's services without payment for service or attempting to avoid payment for service by fraudulent means or devices, schemes, false or invalid numbers, or false calling or credit cards is prohibited.
- 2.2.4 The Company's services are available for use twenty-four hours per day, seven days per week.
- 2.2.5 The Company does not transmit messages, but the services may be used for that purpose.
- 2.2.6 The Company's services may be denied for nonpayment of charges or for other violations of this tariff.
- 2.2.7 Customers shall not use the service provided under this tariff for any unlawful purpose.
- 2.2.8 The Customer is responsible for notifying the Company immediately of any unauthorized use of services.

### 2.3 Liability of the Company

- 2.3.1 The Company shall not be liable for any claim, loss, expense or damage for any interruption, delay, error, omission, or defect in any service, facility or transmission provided under this tariff, if caused by the Underlying Carrier, an act of God, fire, war, civil disturbance, act of government, or due to any other causes beyond the Company's control.
- 2.3.2 The Company shall not be liable for, and shall be fully indemnified and held harmless by the Customer against any claim, loss, expense, or damage for defamation, libel, slander, invasion, infringement of copyright or patent, unauthorized use of any trademark, trade name or service mark, proprietary or creative right, or any other injury to any person, property or entity arising out of the material, data or information transmitted.

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TELECOMMUNICATIONS SERVICES TARIFF

- 2.2.3 No agent or employee of any other carrier or entity shall be deemed to be an agent or employee of the Company.
- 2.3.4 Reserved for Future Use
- 2.3.5 Reserved for Future Use
- 2.3.6 Reserved for Future Use

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TELECOMMUNICATIONS SERVICES TARIFF

2.3.7 The remedies set forth herein are exclusive and in lieu of all other warranties and remedies, whether express, implied, or statutory, INCLUDING WITHOUT LIMITATION IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

2.4 Responsibilities of the Customer

2.4.1 The Customer is responsible for placing any necessary orders and complying with tariff regulations. The Customer is also responsible for the payment of charges for services provided under this tariff.

2.4.2 The Customer is responsible for charges incurred for special construction and/or special facilities which the Customer requests and which are ordered by the Company on the Customer's behalf.

2.4.3 If required for the provision of the Company's services, the Customer must provide any equipment space, supporting structure, conduit and electrical power without charge to the Company.

2.4.4 The Customer is responsible for arranging access to its premises at times mutually agreeable to the Company and the Customer when required for Company personnel to install, repair, maintain, program, inspect or remove equipment associated with the provision of the Company's services.

2.4.5 The Customer shall cause the temperature and relative humidity in the equipment space provided by Customer for the installation of the Company's equipment to be maintained within the range normally provided for the operation of microcomputers.

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TELECOMMUNICATIONS SERVICES TARIFF

2.4.6

The Customer shall ensure that the equipment and/or system is properly interfaced with the Company's facilities or services, that the signals emitted into the Company's network are of the proper mode, bandwidth, power and signal level for the intended use of the subscriber and in compliance with criteria set forth in this tariff, and that the signals do not damage equipment, injure personnel, or degrade service to other Customers. If the Federal Communications Commission or some other appropriate certifying body certifies terminal equipment as being technically acceptable for direct electrical connection with interstate communications service, the Company will permit such equipment to be connected with its channels without the use of protective interface devices. If the Customer fails to maintain the equipment and/or the system properly, with resulting imminent harm to Company equipment, personnel or the quality of service to other Customers, the Company may, upon written notice, require the use of protective equipment at the Customer's expense. If this fails to produce satisfactory quality and safety, the Company may, upon written notice, terminate the Customer's service.

2.4.7

The Customer must pay the Company for replacement or repair of damage to the equipment or facilities of the Company caused by negligence or willful act of the Customer or others, by improper use of the services, or by use of equipment provided by Customer or others.

2.4.8

The Customer must pay for the loss through theft of any Company equipment installed at Customer's premises.

2.6.9

If the Company installs equipment at Customer's premises, the Customer shall be responsible for payment of any applicable installation charge.

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TELECOMMUNICATIONS SERVICES TARIFF

2.4.10 The Customer must use the services offered in this tariff in a manner consistent with the terms of this tariff and the policies and regulations of all state, federal and local authorities having jurisdiction over the service.

2.5 Cancellation or Interruption of Services

2.5.1 Without incurring liability, upon five (5) working days' (defined as any day on which the company's business office is open and the U.S. Mail is delivered) written notice to the Customer, the Company may immediately discontinue services to a Customer or may withhold the provision of ordered or contracted services:

2.5.1.A For nonpayment of any sum due the Company for more than thirty (30) days after issuance of the bill for the amount due, unless the charge is in dispute;

2.5.1.B For violation of any of the provisions of this tariff,

2.5.1.C For violation of any law, rule, regulation, policy of any governing authority having jurisdiction over the Company's services, or

2.5.1.D By reason of any order or decision of a court, public service commission or federal regulatory body or other governing authority prohibiting the Company from furnishing its services.

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TELECOMMUNICATIONS SERVICES TARIFF

- 2.5.2 Without incurring liability, the Company may interrupt the provision of services at any time in order to perform tests and inspections to assure compliance with tariff regulations and the proper installation and operation of Customer and the Company's equipment and facilities and may continue such interruption until any items of noncompliance or improper equipment operation so identified are rectified.
- 2.5.3 Service may be discontinued by the Company without notice to the Customer, by blocking traffic to certain countries, cities or NXX exchanges, or by blocking calls using certain Customer authorization codes, when the Company deems it necessary to take such action to prevent unlawful use of its service. The Company will restore service as soon as it can be provided without undue risk, and will, upon request by the Customer affected, assign a new authorization code to replace the one that has been deactivated.
- 2.5.4 The Customer may terminate service upon thirty (30) days written notice for the Company's standard month to month contract. Customer will be liable for all usage on any of the Company's service offerings until the Customer actually leaves the service. Customers will continue to have Company usage until the Customer notifies its local exchange carrier and changes its long distance carrier. Until the Customer so notifies its local exchange carrier, it shall continue to generate and be responsible for long distance usage.

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TELECOMMUNICATIONS SERVICES TARIFF

2.6 Credit Allowance

2.6.1 Credit may be given for disputed calls, on a per call basis.

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TELECOMMUNICATIONS SERVICES TARIFF

**3.7 Restoration of Service**

The use and restoration of service shall be in accordance with the priority system specified in part 64, Subpart D of the Rules and Regulations of the Federal Communications Commission.

**3.8 Deposit**

The Company does not require deposits.

**3.9 Advance Payments**

The Company does not require advance payments.

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TELECOMMUNICATIONS SERVICES TARIFF2.10 Payment and Billing

- 2.10.1 Service is provided and billed on a billing cycle basis, beginning on the date that service becomes effective. Billing is payable upon receipt. A late fee will be assessed on unpaid amounts 30 days after rendition of bills.
- 2.10.2 The customer is responsible for payment of all charges for services furnished to the Customer, as well as to all persons using the Customer's codes, exchange lines, facilities, or equipment, with or without the knowledge or consent of the Customer. The security of the Customer's Authorization Codes, subscribed exchange lines, and direct connect facilities is the responsibility of the Customer. All calls placed using direct connect facilities, subscribed exchange lines, or Authorization Codes will be billed to and must be paid by the Customer. Charges based on actual usage during a month and any accrued interest will be billed monthly in arrears.
- 2.10.3 All bills are presumed accurate, and shall be binding on the customer unless objection is received by the Company in writing within 180 days after such bills are rendered. No credits, refunds, or adjustments shall be granted if demand therefore is not received by the Company in writing within such 180 day period.

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**2.11 Collection Costs**

In the event Company is required to initiate legal proceedings to collect any amounts due to Company, or to enforce any judgment obtained against a Customer, or for the enforcement of any other provision of this tariff or applicable law, Customer shall, in addition to all amounts due, be liable to Company for all reasonable costs incurred by Company in such proceedings and enforcement actions, including reasonable attorneys' fees, collection agency fees or payments, and court costs. In any such proceeding, the amount of collection costs, including attorneys' fees, due to the Company, will be determined by a court of competent jurisdiction or by the Commission.

**2.12 Taxes**

All federal, state and local taxes, assessments, surcharges, or fees, including sales taxes, use taxes, gross receipts taxes, and municipal utilities taxes, are billed as separate line items and are not included in the rates quoted herein.

**2.13 Late Charge**

A late fee of 1.5% per month or the amount otherwise authorized by law, whichever is lower, will be charged on any past due balances.

**2.14 Returned Check Charge**

A fee of \$20.00 will be charged whenever a check or draft presented for payment for service is not accepted by the institution on which it is written.

**2.15 Reconnection Charge**

A reconnection fee of \$25.00 per occurrence will be charged when service is reestablished for Customers which have been disconnected due to non-payment. Payment of the reconnection fee and any other outstanding amounts will be due in full prior to reconnection of service.

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TELECOMMUNICATIONS SERVICES TARIFFSECTION 3 - DESCRIPTION OF SERVICE3.1 Computation of Charges

3.1.1 The total charge for each completed call may be a variable measured charge dependent on the duration, distance and time of day of the call. The total charge for each completed call may also be dependent only on the duration of the call, i.e. a statewide flat rate per minute charge. The variable measured charge is specified as a rate per minute which is applied to each minute. All calls are measured in increments as set forth in the Rates Section of this tariff. All calls are rounded up to the next whole increment.

3.1.2 Where mileage bands appear in a rate table, rates for all calls are based upon the airline distance between the originating and terminating points of the call, as determined by the vertical and horizontal coordinates associated with the exchange (the area code and three digit central office code) associated with the originating and terminating telephone numbers. If the Customer obtains access to the Company's network by a dedicated access circuit, that circuit will be assigned an exchange for rating purposes based upon the Customer's main telephone number at the location where the dedicated access circuit terminates. The vertical and horizontal (V & H) coordinates for each exchange and the airline distance between them will be determined according to industry standards.

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TELECOMMUNICATIONS SERVICES TARIFF

3.1.3 Timing begins when the called station is answered and two way communication is possible, as determined by standard industry methods generally in use for ascertaining answer, including hardware answer supervision in which the local telephone company sends a signal to the switch or the software utilizing audio tone detection. Recognition of answer supervision is the responsibility of the Underlying Carrier. Timing for each call ends when either party hangs up. The Company will not bill for uncompleted calls.

3.2 Customer Complaints and/or Billing Disputes

Customer inquiries or complaints regarding service or accounting may be made in writing or by telephone to the Company at:

5951 Cattleridge Blvd.; Suite 100  
Sarasota, Florida 34232  
(800) 720-5114

An objection to billed charges should be reported promptly to the Company. Adjustments to Customers' bills shall be made to the extent that records are available and/or circumstances exist which reasonably indicate that such charges are not in accordance with approved rates or that an adjustment may otherwise be appropriate.

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TELECOMMUNICATIONS SERVICES TARIFF

The Company will respond within seventy two (72) hours of receipt of an inquiry. If the Customer is dissatisfied with the Company's response to a complaint or inquiry, the Customer may file a complaint with the Commission for resolution of the conflict. The South Dakota Public Utilities Commission can be reached at:

500 East Capitol  
Pierre, SD 57501-5070  
(605) 773-3201  
(800) 332-1782  
TTY through Relay Service South Dakota-  
(800) 877-1113

If a Customer accumulates more than One Dollar of undisputed delinquent Company 800 Service charges, the Company Resp. Org. reserves the right not to honor that Customer's request for a Resp. Org. change until such undisputed charges are paid in full.

**3.3 Level of Service**

A Customer can expect end to end network availability of not less than 99% at all times for all services.

**3.4 Billing Entity Conditions**

When billing functions on behalf of the Company or its intermediary are performed by local exchange telephone companies or others, the payment of charge conditions and regulations of such companies and any regulations imposed upon these companies by regulatory bodies having jurisdiction apply. The Company's name and toll-free telephone number will appear on the Customer's bill.

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TELECOMMUNICATIONS SERVICES TARIFF3.5 Service Offerings

## 3.5.1 1+ Dialing

This service permits Customers to originate calls via switched or dedicated access lines, and to terminate intrastate calls. The customer dials "1+" followed by "ten digits" or dials "101XXXX" followed by "1+ ten digits".

## 3.5.2 Travel Cards

The Customer utilizes an 11 digit "toll-free" access number established by the Company to access a terminal. Upon receiving a voice prompt, the Customer uses push button dialing to enter an identification code assigned by the Company, and the ten digit number of the called party.

## 3.5.3 800 Service (Toll-Free)

This service is inbound calling only where an 800, 888 or other toll-free prefix number rings into a Customer's premise routed to a specific telephone number or terminated over a dedicated facility.

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TELECOMMUNICATIONS SERVICES TARIFF

## 3.3.4 Company Prepaid Calling Cards

This service permits use of Prepaid Calling Cards for placing long distance calls. Customers may purchase Company Prepaid Calling Cards at a variety of retail outlets or through other distribution channels. Company Prepaid Calling Cards are available at a variety of face values ranging from five dollars (\$5.00), in one dollar (\$1.00) increments. Company Prepaid Calling Card service is accessed using the Company toll-free number printed on the card. The caller is prompted by an automated voice response system to enter his/her Authorization Code, and then to enter the terminating telephone number. The Company's processor tracks the call duration on a real time basis to determine the number of Telecom Units consumed. The total consumed Telecom Units for each call is deducted from the remaining Telecom Unit balance on the Customer's Company Prepaid Calling Card.

All calls must be charged against Prepaid Calling Card that has a sufficient Telecom Unit balance. A Customer's call will be interrupted with an announcement when the balance is about to be depleted.

In order to continue the call, the Customer can either call the toll-free number on the back of the Company Prepaid Calling Card and "recharge" the balance on the card using a nationally recognized credit card, or the Customer can throw the card away and purchase a new one. Calls in progress will be terminated by the Company if the balance on the Company Prepaid Calling Card is insufficient to continue the call and the Customer fails to enter the number of another valid Company Prepaid Calling Card prior to termination.

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, 2000

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TELECOMMUNICATIONS SERVICES TARIFF

The expiration date will be printed on all cards. The Company will not refund unused balances.

A credit allowance for Company Prepaid Calling Card Service is applicable to calls that are interrupted due to poor transmission, one-way transmission, or involuntary disconnection of a call. To receive the proper credit, the Customer must notify the Company at the designated toll-free customer service number printed on the Company Prepaid Calling Card and furnish the called number, the trouble experienced (e.g. cut-off, noisy circuit, etc.), and the approximate time that the call was placed.

When a call charged to a Company Prepaid Calling Card is interrupted due to cut-off, one-way transmission, or poor transmission conditions, the Customer will receive a credit equivalent of one Telecom Unit.

Credit allowances for calls pursuant to Company Prepaid Card Service do not apply for interruptions not reported promptly to the Company or interruptions that are due to the failure of power, equipment or systems not provided by the Company.

Credit for failure of service shall be allowed only when such failure is caused by or occurs due to causes within the control of the Company.

The Company will block all calls beginning with the NPA "900" and NXX "976" calls, therefore such calls can not be completed.

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TELECOMMUNICATIONS SERVICES TARIFF

3.5.5 Directory Assistance.

Access to long distance directory assistance is obtained by dialing 1 + 555-1212 for listings within the originating area code and 1 + (area code) + 555-1212 for other listings. When more than one number is requested in a single call, a charge will apply for each number requested. A charge will be applicable for each number requested, whether or not the number is listed or published.

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## 3.5.6 Specialized Pricing Arrangements.

Customized service packages and competitive pricing packages at negotiated rates may be furnished on a case-by-case basis in response to requests by Customers to the Company for proposals or for competitive bids. Service offered under this tariff provision will be filed with the Commission. Specialized rates or charges will be made available to similarly situated Customers on a non-discriminatory basis. The Company will notify the Commission of such arrangements as required by Commission rules and regulations.

## 3.5.7 Emergency Call Handling Procedures

Emergency "911" calls are not routed to company, but are completed through the local network at no charge.

## 3.5.8 Promotional Offerings

The Company may, from time to time, make promotional offerings to enhance the marketing of its services. These offerings may be limited to certain dates, times and locations. The Company will notify the Commission of such offerings as required by Commission rules and regulations.

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 4 - RATES

4.1 1+ Dialing

\$0.15 per minute

A \$4.95 per month service charge applies.  
Billed in one minute increments.

4.2 Travel Cards

\$1.00 per minute

A \$.25 per call service charge applies.  
Billed in one minute increments.

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4.3 Toll Free

\$0.15 per minute

A \$10 per month per number service charge applies.  
Billed in one minute increments.

4.4 Prepaid Calling Cards

Program

A	\$ .015	Per Telecom Unit
B	\$ .019	Per Telecom Unit
C	\$ .025	Per Telecom Unit
D	\$ .029	Per Telecom Unit
E	\$ .032	Per Telecom Unit
F	\$ .035	Per Telecom Unit
G	\$ .039	Per Telecom Unit
H	\$ .045	Per Telecom Unit
I	\$ .05	Per Telecom Unit
J	\$ .06	Per Telecom Unit
K	\$ .07	Per Telecom Unit
L	\$ .08	Per Telecom Unit
M	\$ .09	Per Telecom Unit
N	\$ .10	Per Telecom Unit
O	\$ .11	Per Telecom Unit
P	\$ .12	Per Telecom Unit
Q	\$ .13	Per Telecom Unit
R	\$ .14	Per Telecom Unit
S	\$ .15	Per Telecom Unit
T	\$ .19	Per Telecom Unit
U	\$ .20	Per Telecom Unit
V	\$ .25	Per Telecom Unit
W	\$ .29	Per Telecom Unit
X	\$ .30	Per Telecom Unit
Y	\$ .33	Per Telecom Unit
Z	\$ .35	Per Telecom Unit
AA	\$ .39	Per Telecom Unit
BB	\$ .40	Per Telecom Unit
CC	\$ .50	Per Telecom Unit

A \$1.59 per call service charge applies.

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TELECOMMUNICATIONS SERVICES TARIFF

4.5 Directory Assistance

\$0.95

4.6 Returned Check Charge

\$10.00

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5951 Cattleridge Blvd.; Suite 100  
Sarasota, Florida 34232



SIESTA TELECOM, INC.  
501 EAST LINDSEY BLVD. SUITE 100  
SARASOTA, FL 34232  
(941) 542-1712

Provident  
Bank  
63-1334/631

5192

3/24/2000

PAID TO THE ORDER OF South Dakota Public Utilities Commission

\$ \*\*250.00

Two Hundred Fifty and 00/100\*\*\*\*\*

DOLLAR

South Dakota Public Utilities Commission

*B Stephen Meyer*

⑈005192⑈ ⑆063113549⑆

0332⑈164⑈

SECURITY FEATURES: MICR LINE & DIGITAL SIGNATURES - COLORED PATTERN - ARTIFICIAL WATERMARK ON REVERSE SIDE - MISSING FEATURE INDICATES A COPY

5192

South Dakota Public Utilities Commission

3/24/2000

DATE	TYPE	REFERENCE	ORIGINAL AMT.	BALANCE DUE	DISCOUNT	PAYMENT
3/24/2000	BILL		250.00	250.00		250.00
					Check Amount	250.00

TC00-072

CASH PROVIDED BY BANK

250.00

**South Dakota Public Utilities Commission**  
**WEEKLY FILINGS**  
For the Period of April 13, 2000 through April 19, 2000

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact  
Delaine Kolbo within five business days of this filing.  
Phone: 605-773-3705 Fax: 605-773-3809

**CONSUMER COMPLAINTS**

**CT00-061** In the Matter of the Complaint filed by Anna Marie Knopf, Sioux Falls, South Dakota, against Midco Communications, Inc. d/b/a Midcontinent Communications, Inc. Regarding Unauthorized Switching of Services.

The Complainant indicates she became aware that her long distance service was switched without authorization on December 30, 1999. Her long distance service was out of service for six weeks. The Complainant requests \$1000 for distress.

Staff Analyst: Leni Healy  
Staff Attorney: Camron Hoseck  
Date Docketed: 04/17/00  
Intervention Deadline: NA

**NATURAL GAS**

**NG00-005** In the Matter of the Filing by MidAmerican Energy Company for Approval of Tariff Revisions.

MidAmerican Energy Company is proposing to add a provision to the Gas Tariff Rules and Regulations. The new provision is for diversion of gas service.

Staff Analyst: Keith Senger  
Staff Attorney: Karen Cremer  
Date Docketed: 04/13/00  
Intervention Deadline: N/A

**TELECOMMUNICATIONS**

**TC00-071** In the Matter of the Application of Integra Telecom of South Dakota, Inc. for a Certificate of Authority to Provide Telecommunications Services, Including Local Exchange Services, in South Dakota.

Integra Telecom of South Dakota, Inc. intends to provide local exchange and interexchange telecommunications services including local dial tone, extended area service, high-speed internet access, including DSL, dedicated and switched access long distance services and enhanced features via its own facilities, leased facilities and resale. Integra Telecom of South Dakota, Inc. requests authority to provide services throughout the state of South Dakota and proposes an initial operating area identical to that of U S WEST.

Staff Analyst: Michele Farris  
Staff Attorney: Camron Hoseck  
Date Docketed: 04/14/00  
Intervention Deadline: 05/05/00

**TC00-072 In the Matter of the Application of Siesta Telecom, Inc. for a Certificate of Authority to Provide Telecommunications Services in South Dakota.**

Siesta Telecom, Inc. is seeking a Certificate of Authority to provide resold interexchange telecommunication services, in South Dakota. The applicant intends to offer 1+ and 101XXXX outbound dialing, toll free inbound dialing, travel card and prepaid calling card services using Qwest Communications as its underlying carrier.

Staff Analyst: Keith Senger  
Staff Attorney: Karen Cremer  
Date Docketed: 04/17/00  
Intervention Deadline: 05/05/00

**TC00-073 In the Matter of the Application of Metromedia Fiber Network Services, Inc. for a Certificate of Authority to Provide Telecommunications Services, Including Local Exchange Services, in South Dakota.**

Metromedia Fiber Network Services, Inc. submitted an application to provide facilities-based and resold dedicated local exchange, exchange access, and intrastate private line, high capacity fiber optic transmission facilities and services throughout the state of South Dakota excluding areas served by a rural telephone company. The applicant seeks authority to offer its services to other certified competitive telecommunications providers and to commercial/government customers.

Staff Analyst: Michele Farris  
Staff Attorney: Karen Cremer  
Date Docketed: 04/18/00  
Intervention Deadline: 05/05/00

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**NOTES: TC00-072 – Seista Telecom, Inc**

On April 17, 2000, Seista Telecom, Inc. filed an application for a Certificate of Authority to provide resold interexchange telecommunications services in South Dakota. I have reviewed the application and requested the applicant provide a \$25,000 bond. On May 24, 2000 I spoke with Debra Durban from the company who stated that the company was having financial difficulty and may not be able to obtain a bond. On June 16, 2000 Debra indicated that the company not be providing and does not wish to wait the time to withdraw the application. She has agreed to the application being denied.

**With that I recommend the Commission deny Seista Telecom Inc. a Certificate of Authority to provide interexchange telecommunication services because the company is not financially capable of provide telecommunication services in South Dakota.**

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION OF )  
SIESTA TELECOM, INC. FOR A CERTIFICATE )  
OF AUTHORITY TO PROVIDE )  
TELECOMMUNICATIONS SERVICES IN )  
SOUTH DAKOTA )

ORDER DENYING  
CERTIFICATE OF  
AUTHORITY

TC00-072

On April 17, 2000, 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 Siesta Telecom, Inc. (Siesta).

Siesta proposes to offer 1+ and 101XXXX direct outbound dialing, 800/888 toll-free inbound dialing, travel card service, and prepaid calling card service. A proposed tariff was filed by Siesta. The Commission has classified long distance service as fully competitive.

On April 20, 2000, the Commission electronically transmitted notice of the filing and the intervention deadline of May 5, 2000, to interested individuals and entities. No petitions to intervene or comments were filed. At its regularly scheduled June 20, 2000, meeting, the Commission considered Siesta's request for a certificate of authority. Commission Staff recommended denying the certificate of authority and closing the docket as Siesta was not financially capable of providing telecommunications services.

The Commission finds that it has jurisdiction over this matter pursuant to Chapter 49-31, specifically 49-31-3 and ARSD 20:10:24:02 and 20:10:24:03. The Commission finds that Siesta has not met the legal requirements established for the granting of a certificate of authority. Siesta has not, in accordance with SDCL 49-31-3, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota. The Commission voted to deny Siesta's application for a certificate of authority. As the Commission's final decision in this matter, it is therefore

ORDERED, that Siesta's application for a certificate of authority is hereby denied.

Dated at Pierre, South Dakota, this 29th day of June, 2000.

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: Nelaine Kalbo

Date: 6/29/00

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner

Laska Schoenfelder  
LASKA SCHOENFELDER, Commissioner