

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

<b>IN THE MATTER OF THE APPLICATION OF )</b>	<b>ORDER GRANTING</b>
<b>COMMPARTNERS, LLC FOR A CERTIFICATE )</b>	<b>CERTIFICATE OF</b>
<b>OF AUTHORITY TO PROVIDE )</b>	<b>AUTHORITY</b>
<b>INTEREXCHANGE TELECOMMUNICATIONS )</b>	
<b>SERVICES AND LOCAL EXCHANGE )</b>	<b>TC05-101</b>
<b>SERVICES IN SOUTH DAKOTA )</b>	

On July 8, 2005, the Public Utilities Commission (Commission) received an application for a certificate of authority from CommPartners, LLC. (CommPartners). A proposed tariff was filed by CommPartners.

On July 14, 2005, the Commission electronically transmitted notice of the filing and the intervention deadline of July 29, 2005, to interested individuals and entities. No petitions to intervene or comments were filed. The Commission considered this matter at its regularly scheduled meeting of December 6, 2005. The matter was deferred at that time because Staff needed additional information from CommPartners. At its regularly scheduled January 31, 2006, meeting, the Commission again considered CommPartners' request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to rural safeguards, and subject to the condition that CommPartners 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. Commission Staff further recommended a waiver of ARSD 20:10:24:02(8) and ARSD 20:10:32:03(11).

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3 and 49-31-69 and ARSD 20:10:24:02, 20:10:24:03 and 20:10:32:03. The Commission finds that CommPartners has met the legal requirements established for the granting of a certificate of authority. CommPartners 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 that there is good cause to waive subparagraph (8) of ARSD 20:10:24:02 and subparagraph (11) of ARSD 20:10:32:03.

The Commission approves CommPartners' application for a certificate of authority, subject to rural safeguards, and subject to the condition that CommPartners 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. The certificate of authority for CommPartners shall authorize it to offer local exchange services in South Dakota, except in those areas served by a rural telephone company. In the future, should CommPartners choose to provide local exchange services statewide, with respect to rural telephone companies, CommPartners will have to come before the Commission in another proceeding before being able to provide local exchange services 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 statement 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 CommPartners' application for a certificate of authority to provide interexchange telecommunications services and local exchange services is granted, subject to the condition that CommPartners 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 it is

FURTHER ORDERED, that CommPartners shall file informational copies of tariff changes with the Commission as the changes occur; and it is

FURTHER ORDERED, that the Commission shall authorize CommPartners to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company; and it is

FURTHER ORDERED, that the Commission waives subparagraph (8) of ARSD 20:10:24:02 and subparagraph (11) of ARSD 20:10:32:03.

Dated at Pierre, South Dakota, this 20<sup>th</sup> day of February, 2006.

<b>CERTIFICATE OF SERVICE</b>
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 facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u>Tina Douglas</u>
Date: <u>2-13-06</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr  
ROBERT K. SAHR, Chairman

Dustin M. Johnson  
DUSTIN M. JOHNSON, Commissioner

Gary Hanson  
GARY HANSON, Commissioner