

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

**IN THE MATTER OF NEW CENTURY  
TELECOM, INC.'S FAILURE TO SUBMIT A  
REPORT AND PAY THE GROSS RECEIPTS  
TAX**

**ORDER DISMISSING  
COMPLAINT AND CLOSING  
DOCKET**

**TC10-009**

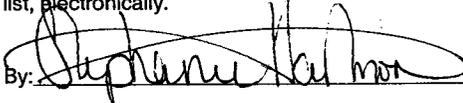
On January 20, 2010, the Public Utilities Commission (Commission) issued an Order for and Notice of Show Cause Hearing against New Century Telecom, Inc. (Company) for failure to submit an annual report and pay the gross receipts tax. The hearing was held as scheduled on March 9, 2010, at 2:00 p.m., Room 413, State Capitol Building, 500 E. Capital Avenue, Pierre, South Dakota. The reason for the hearing was to give the Company an opportunity to show cause why the Commission should not revoke its Certificate of Authority, or other specified actions, for failure to submit an annual report as required by ARSD 20:10:24:04 or pay the gross receipts tax as required by SDCL 49-1A-1. Commissioners Johnson, Kolbeck, and Hanson were present. Also present were John Smith, Commission Counsel; Karen Cremer, Commission Staff Attorney; and Cindy Kemnitz, Finance Manager for the Commission.

The Commission has jurisdiction over this matter pursuant to SDCL 49-1A-3, 49-1A-4, 49-1A-5, 49-1A-6, and 49-31-3.

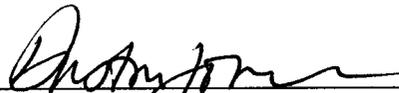
At the March 9, 2010, hearing, Commission Staff recommended the complaint be dismissed and the docket be closed, as the Company paid the gross receipts tax due for 2008 on February 1, 2010. The Commission voted unanimously to dismiss the complaint and close the docket. It is therefore

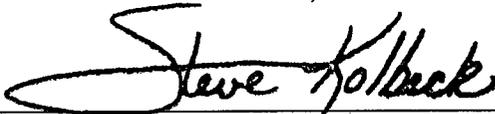
ORDERED this complaint be dismissed and the docket closed.

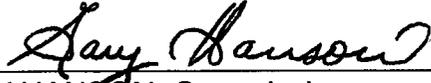
Dated at Pierre, South Dakota, this 23<sup>rd</sup> day of March, 2010.

<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, electronically.
By: <u></u>
Date: <u>03/23/10</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

  
DUSTIN M. JOHNSON, Chairman

  
STEVE KOLBECK, Commissioner

  
GARY HANSON, Commissioner