

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

IN THE MATTER OF THE APPLICATION OF)
NEXTGEN COMMUNICATIONS, INC. FOR A)
CERTIFICATE OF AUTHORITY TO PROVIDE)
LOCAL EXCHANGE SERVICES AND)
INTEREXCHANGE LONG DISTANCE SERVICES IN)
SOUTH DAKOTA)

**ORDER GRANTING
CERTIFICATE OF AUTHORITY
AND GRANTING WAIVER**

TC15-062

On August 17, 2015, the South Dakota Public Utilities Commission (Commission) received an application from NextGen Communications, Inc. (NextGen) for an application for a Certificate of Authority to provide local exchange services and interexchange long distance services throughout South Dakota. Specifically, NextGen seeks to provide VPC and MPC services that involve the aggregation and transport of emergency local, VoIP, telemetric, PBX, and mobile E9-1-1 traffic, the management and transmission of location and calling number data, and the provision of call routing management for the delivery of emergency calls to Public Service Answering Points throughout South Dakota.

On August 20, 2015, the Commission electronically transmitted notice of the filing and the intervention deadline of September 4, 2015, to interested individuals and entities. On September 1, 2015, the South Dakota Telecommunications Association (SDTA) filed a Petition to Intervene. At the September 15, 2015, Commission Meeting, the SDTA was granted intervention. On September 30, October 28, and December 11, 2015, NextGen responded to staff's data requests. NextGen requests that the Commission waive ARSD 20:10:32:03(11) and ARSD 20:10:32:10. On December 17, 2015, SDTA and NextGen filed a Joint Stipulation.

At its December 22, 2015 meeting, the Commission considered this matter. The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3 and 49-31-69, as well as ARSD 20:10:32:03 and ARSD 20:10:24:02. With Commissioner Hanson dissenting, the Commission voted to grant the waivers of ARSD 20:10:32:03(11) and ARSD 20:10:32:10, approve the Joint Stipulation, and grant the Certificate of Authority, subject to the provisions of the Joint Stipulation. The Commission finds that NextGen has met the legal requirements established for the granting of a Certificate of Authority. As the Commission's final decision in this matter, it is therefore

ORDERED, that NextGen's requested waivers of ARSD 20:10:32:03(11) and ARSD 20:10:32:10 are granted; it is further

ORDERED, that the Joint Stipulation is approved and incorporated herein by reference; it is further

ORDERED, that NextGen's request for a Certificate of Authority is granted.

Dated at Pierre, South Dakota, this 23rd day of December, 2015.

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, electronically or by mail.
By: <u>Karen E. Cremer</u>
Date: <u>12/23/2015</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

GARY HANSON, Commissioner,
dissenting