

TC97-116

12/13

TC97-116

DOCKET NO.

In the Matter of

IN THE MATTER OF THE
APPLICATION OF USA TELE CORP.
FOR A CERTIFICATE OF AUTHORITY
TO PROVIDE TELECOMMUNICATIONS
SERVICES IN SOUTH DAKOTA

Public Utilities Commission of the State of South Dakota

DATE	MEMORANDA
6/30/97	Filed and docketed,
7/3/97	TC Fax Filing,
8/27/97	Order Granting COA,
12/13/97	Docket Closed

Lance J.M. Steinhart
Attorney At Law
6455 East Johns Crossing
Suite 285
Duluth, Georgia 30155

Also Admitted in New York
and Maryland

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

June 28, 1997

VIA FEDERAL EXPRESS

Mr. William Bullard
Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501-5070
(605) 773-3201

RECEIVED
JUN 30 1997
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Re: USA Tele Corp.

Dear Mr. Bullard:

Enclosed please find one original and ten (10) copies of USA Tele Corp.'s Application for Registration of a Telecommunications Company.

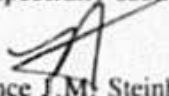
Please note that Exhibit A, the Certificate of Authority, from the Secretary of State, is not attached. We have applied for the certificate and will forward a copy to the commission upon receipt.

In order to expedite the processing of this application, I would like to suggest that all requests for information by the analyst be made by either telephone or facsimile. I will make every effort to respond on the day of the request.

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 USA Tele Corp.

Enclosures

cc: Mr. Jeffrey A. Ullman (w/enc)

APPLICATION FOR REGISTRATION
OF USA TELE CORP.
FILED WITH THE
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

RECEIVED

JUN 30 1997

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN THE MATTER OF THE)
APPLICATION OF)
USA TELE CORP.)
FOR AN ORDER)
authorizing the registration)
of applicant as a)
telecommunications company)

Docket No. _____

APPLICATION

Application is hereby made to the South Dakota Public Utilities Commission for an Order authorizing USA Tele Corp. ("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

USA Tele Corp.
351 S. Cypress Road
Suite 400
Pompano Beach, Florida 33069
(954) 463-7900

All inquiries regarding complaints and regulatory matters should be addressed to:

Lance J.M. Steinhart, Esq.
6455 East Johns Crossing, Suite 285
Duluth, Georgia 30155
(770) 232-9200
(770) 232-9208 (Fax)

2. Registered Agent

The name and address of the Applicant's registered agent are:

CT Corporation System
319 South Coteau Street
Pierre, South Dakota 57501

3. Description of the Applicant

Applicant was incorporated in the State of Florida on April 21, 1993 with perpetual duration. Applicant has applied for authority to transact business as a foreign corporation in the State of South Dakota and will file a copy of its Certificate of Authority as Exhibit A upon receipt. A copy of the Applicant's Articles of Incorporation is attached as Exhibit B hereto.

4. Facilities

Applicant does not own or maintain any transmission facilities or switching equipment in the State of South Dakota. The Applicant will provide services through AT&T and Sprint, its underlying carriers.

5. Stockholders

The names and addresses of all 5% or greater stockholders of Applicant are as follows:

Name and Address	Shares Owned	Percentage of all Shares Issued and Outstanding and Voting Control
Mike Kirkovich	1000	100%

The above referenced individual can be reached at 351 S. Cypress Road, Suite 400, Pompano Beach, Florida 33069.

6. Officers and Directors

The name and address of the officer and director of Applicant are as follows:

Jeffrey A. Ullman President, Secretary/Director

Mr. Ullman is the only officer and director and can be reached at Applicant's address listed above.

7. Corporate Ownership

The name and address of any corporation, association or similar organization holding a five percent (5%) or greater ownership in the Applicant is as follows:

None

8. Subsidiaries owned or controlled by Applicant

None

9. Description of Services

Applicant is a switchless reseller which intends to offer 1+ direct dialing, 800 toll free, and travel card (no prepaid calling cards) service through the resale of telephone services provided by facilities-based interexchange carriers. As a switchless 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. Upon receiving certification, Applicant

intends to provide services throughout the State of South Dakota.

Applicant intends to provide these services to customers on a jurisdictionally interstate basis subject to the FCC's jurisdiction and Applicant intends to provide these services on jurisdictionally intrastate basis pursuant to certification, registration or tariff requirements, or on an unregulated basis, in all fifty states except Alaska, subject to the jurisdiction of various public service and utilities commissions. Applicant is currently in the process of obtaining all required authorizations from the FCC and the state regulatory agencies. Applicant is currently authorized to provide service in Colorado, Iowa, Florida, Michigan, Montana, New Jersey, Pennsylvania, Texas, Utah, Virginia and Wyoming.

Applicant intends to provide high quality service, with an industry standard blocking rate less than P.01. Its services will be available on a full-time basis, twenty-four hours a day, seven days a week, to customers within the geographic boundaries of the State of South Dakota.

10. 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 as of May 31, 1997.

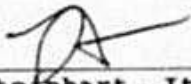
11. Tariff

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

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

DATED this 20th day of June, 1997.

USA Tele Corp.

By: 
Lance J.M. Steinhart, Its Counsel

6455 East Johns Crossing
Suite 285
Duluth, Georgia 30155
(770) 232-9200

33727
NEXT

DOCUMENT (S)

DISREGARD

BACKGROUND

STATE OF FLORIDA

COUNTY OF BROWARD

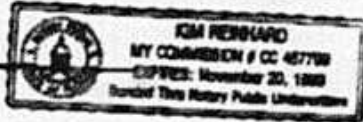
Jeffrey A. Ullman, being first duly sworn, deposes and says that he is the President of USA Tele Corp., the Applicant in the proceeding entitled above, that he has read the foregoing application and knows the contents thereof, that the same are true of his knowledge, except as to matters which are therein stated on information or belief, and to those matters he believes them to be true.


Jeffrey A. Ullman

Subscribed and sworn to before this 27th day of June, 1997.


Notary Public

My Commission expires: _____



8143.719

LIST OF EXHIBITS

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

EXHIBIT A - CERTIFICATE OF AUTHORITY

EXHIBIT B - ARTICLES OF INCORPORATION

ARTICLES OF INCORPORATION
OF
USA TELE CORP.

FILED
1993 APR 21 PM 3:01
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

The undersigned incorporator hereby forms a corporation under Chapter 607 of the laws of the State of Florida.

ARTICLE I. NAME

The name of the corporation shall be:

USA TELE CORP.

The address of the principal office of this corporation shall be 6454 Northwest 5th Way, Ft. Lauderdale, Florida 33309, and the mailing address of the corporation shall be the same.

ARTICLE II. NATURE OF BUSINESS

This corporation may engage or transact in any or all lawful activities or business permitted under the laws of the United States, the State of Florida or any other state, country, territory or nation.

ARTICLE III. CAPITAL STOCK

The maximum number of shares of stock that this corporation is authorized to have outstanding at any one time is 1,000 shares of common stock having \$1 par value per share.

ARTICLE IV. REGISTERED AGENT

The street address of the initial registered office of the corporation shall be 1201 Hays Street, Tallahassee, Florida 32301, and the name of the initial registered agent of the corporation at that address is Corporation Information Services, Inc.

ARTICLE V. TERM OF EXISTENCE

This corporation is to exist perpetually.

ARTICLE VI. OFFICERS AND DIRECTORS

This corporation shall have one officer and one director, initially. The name and street address of the initial officer and director who shall hold office for the first year of the corporation, or until his successor is elected or appointed is:

Ralph Devine	6454 Northwest 5th Way
Pres./Sec./Treas./Dir.	Ft. Lauderdale, Florida 33309

ARTICLE VII. INCORPORATOR

The name and street address of the incorporator to these Articles of Incorporation:

Corporation Information Services, Inc.
1201 Hays Street
Tallahassee, Florida 32301

IN WITNESS WHEREOF, the undersigned agent of Corporation Information Services, Inc., has hereunto set their hand and seal of Corporation Information Services, Inc., on April 21, 1993.

CORPORATION INFORMATION SERVICES, INC.

By: _____

Gail Shelby
Its Agent, Gail Shelby

**ACCEPTANCE OF REGISTERED AGENT DESIGNATED
IN ARTICLES OF INCORPORATION**

Corporation Information Services, Inc., a Florida corporation authorized to transact business in this State, having a business office identical with the registered office of the corporation named above, and having been designated as the Registered Agent in the above and foregoing Articles, is familiar with and accepts the obligations of the position of Registered Agent under Section 607.0505, Florida Statutes.

CORPORATION INFORMATION SERVICES, INC.

By: _____

Gail Shelby
Its Agent, Gail Shelby

1993 APR 21 PM 3:01
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

FILED

RECEIPT OF SECRETARY OF STATE

;



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

April 21, 1993

CORPORATION INFORMATION SERVICES, INC.
1201 HAYS ST.
TALLAHASSEE, FL 32301

The Articles of Incorporation for USA TELE CORP. were filed on April 21, 1993, and assigned document number P93000029257. Please refer to this number whenever corresponding with this office.

A corporation annual report will be due this office between January 1 and May 1 of next year. A Federal Employer Identification (FEI) number will be required before this report can be filed. Please apply NOW with the Internal Revenue Service by calling 1-800-829-3676 and requesting form SS-4.

Please be aware if the corporate address changes, it is the responsibility of the corporation to notify this office.

Should you have any questions regarding corporations, please contact this office at the address given below.

Sincerely,
Nancy Hendricks
Corporate Specialist
New Filings Section
Division of Corporations

Letter Number: 793A00108059

EXHIBIT C - FINANCIAL INFORMATION

STEVE M. KETOVER

CERTIFIED PUBLIC ACCOUNTANT

3109 STIRLING ROAD, SUITE 201
FORT LAUDERDALE, FLORIDA 33312

(305) 981-2277 • FAX (305) 989-5396

June 25, 1997

USA Tele Corp.
6601 NW 14 Street
Plantation, Florida 33313

Gentlemen:

I have compiled the accompanying balance sheet of USA Tele Corp. as of May 31, 1997, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. I have not audited or reviewed the accompanying balance sheet and, accordingly, do not express an opinion or any other form of assurance on them. However, I did become aware of a departure from generally accepted accounting principles that is described in the following paragraph.

A statement of income, retained earnings and cash flows for the year ending May, 31, 1997, has not been presented. Generally accepted accounting principles require that such statements be presented when financial statements purport to present financial position and results of operations.

Sincerely,


Steve M. Ketover
Certified Public Accountant

BALANCE SHEET (Unaudited)
 May 31, 1997
 USA TELE CORP.
 Plantation, Florida

ASSETS

CURRENT ASSETS

Cash in Bank	\$ 200,100
--------------	------------

FIXED ASSETS

EQUIPMENT	<u>132,000</u>
-----------	----------------

TOTAL ASSETS	\$ 332,100 *****
--------------	---------------------

LIABILITIES AND STOCKHOLDERS' EQUITY

LIABILITIES

Loan from Stockholders	\$ 232,000
------------------------	------------

STOCKHOLDERS' EQUITY

Capital Stock - \$1 par value		
1000 Shs. Authorized.	100	
Shs. Issued & Outstanding	100	
Add. Paid in Capital	<u>100,000</u>	
TOTAL STOCKHOLDERS' EQUITY		<u>100,100</u>

TOTAL LIABILITIES & STOCKHOLDERS' EQUITY	\$ 332,100 *****
--	---------------------

See accountants compilation report.

BALANCE SHEET (Unaudited)
 May 31, 1997
 USA TELE CORP.
 Plantation, Florida

ASSETS

CURRENT ASSETS

Cash in Bank	\$ 200,100
--------------	------------

FIXED ASSETS

EQUIPMENT	<u>132,000</u>
-----------	----------------

TOTAL ASSETS	\$ 332,100 *****
--------------	---------------------

LIABILITIES AND STOCKHOLDERS' EQUITY

LIABILITIES

Loan from Stockholders	\$ 232,000
------------------------	------------

STOCKHOLDERS' EQUITY

Capital Stock - \$1 par value		
1000 Shs. Authorized.	100	
Shs. Issued & Outstanding	100	
Addl. Paid in Capital	<u>100,000</u>	
TOTAL STOCKHOLDERS' EQUITY		<u>100,100</u>

TOTAL LIABILITIES & STOCKHOLDERS' EQUITY	\$ 332,100 *****
--	---------------------

See accountants compilation report.

EXHIBIT D - PROPOSED TARIFF

USA TELE CORP.

ORIGINAL SHEET 1
SOUTH DAKOTA PUC TARIFF NO. 1
TELECOMMUNICATIONS SERVICES TARIFF

TITLE SHEET

SOUTH DAKOTA TELECOMMUNICATIONS TARIFF

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service or facilities for Telecommunications Services furnished by USA Tele Corp. ("USA"), with principal offices at 351 S. Cypress Road, Suite 400, Pompano Beach, Florida 33069. 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: June 30, 1997

ISSUED BY:

Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
Pompano Beach, Florida 33069

EFFECTIVE:

USA TELE CORP.

ORIGINAL SHEET 2

SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

CONCURRING, CONNECTING OR
OTHER PARTICIPATING CARRIERS AND
BILLING AGENTS

1. Concurring Carriers - None
2. Connecting Carriers - None
3. Other Participating Carriers - None
4. Billing Agents - None

ISSUED: June 30, 1997

EFFECTIVE:

ISSUED BY:

Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
Pompano Beach, Florida 33069

TELECOMMUNICATIONS SERVICES TARIFFCHECK SHEET

Sheets 1 through 27 inclusive 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.

<u>SHEET</u>	<u>REVISION</u>
1	Original
2	Original
3	Original
4	Original
5	Original
6	Original
7	Original
8	Original
9	Original
10	Original
11	Original
12	Original
13	Original
14	Original
15	Original
16	Original
17	Original
18	Original
19	Original
20	Original
21	Original
22	Original
23	Original
24	Original
25	Original
26	Original
27	Original

* New or Revised Sheet

ISSUED: June 30, 1997

ISSUED BY:

Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
Pompano Beach, Florida 33069

EFFECTIVE:

TELECOMMUNICATIONS SERVICES TARIFFTABLE OF CONTENTS

	Page
Title Sheet.....	1
Concurring, Connecting or Other Participating Carriers and Billing Agents.....	2
Check Sheet.....	3
Table of Contents.....	4
Tariff Format.....	5
Symbols.....	6
Section 1 - Technical Terms and Abbreviations.....	7
Section 2 - Rules and Regulations.....	9
2.1 Undertaking of the Company.....	9
2.2 Use of Services.....	10
2.3 Liability of the Company.....	11
2.4 Responsibilities of the Customer.....	13
2.5 Cancellation or Interruption of Service.....	15
2.6 Credit Allowance.....	17
2.7 Restoration of Service.....	18
2.8 Deposit.....	18
2.9 Advance Payments.....	18
2.10 Payment and Billing.....	19
2.11 Collection Costs.....	20
2.12 Taxes.....	20
2.13 Late Charge.....	20
2.14 Returned Check Charge.....	20
Section 3 - Description of Service.....	21
3.1 Computation of Charges.....	21
3.2 Customer Complaints and/or Billing Disputes...	22
3.3 Level of Service.....	23
3.4 Billing Entity Conditions.....	23
3.5 Service Offerings.....	24
Section 4 - Rates.....	26
4.1 1+ Dialing.....	26
4.2 Travel Cards.....	26
4.3 Toll Free.....	26
4.4 Directory Assistance.....	27
4.5 Returned Check Charge.....	27
4.6 Rate Periods.....	27

ISSUED: June 30, 1997

EFFECTIVE:

ISSUED BY:

Jeffrey A. Ullman, President
 351 S. Cypress Road, Suite 400
 Pompano Beach, Florida 33069

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 on Commission file.

ISSUED: June 30, 1997

EFFECTIVE:

ISSUED BY:

Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
Pompano Beach, Florida 33069

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

ISSUED: June 30, 1997

EFFECTIVE:

ISSUED BY:

Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
Pompano Beach, Florida 33069

TELECOMMUNICATIONS SERVICES TARIFFSECTION 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 USA's location or switching center.

Authorization Code - A numerical code, one or more of which may be assigned to a Customer, to enable USA 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 USA and is responsible for the payment of charges and for compliance with the Company's tariff regulations.

Company or USA - Used throughout this tariff to mean USA Tele Corp., a Florida corporation.

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.

ISSUED: June 30, 1997

ISSUED BY:

Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
Pompano Beach, Florida 33069

EFFECTIVE:

TELECOMMUNICATIONS SERVICES TARIFF

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.

ISSUED: June 30, 1997

ISSUED BY:

Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
Pompano Beach, Florida 33069

EFFECTIVE:

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

This tariff contains the regulations and rates applicable to intrastate resale telecommunications services provided by USA for telecommunications between points within the State of South Dakota. Resale 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. The Company does not own any switching, transmission or other physical facilities in South Dakota.

ISSUED: June 30, 1997**ISSUED BY:****Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
Pompano Beach, Florida 33069****EFFECTIVE:**

TELECOMMUNICATIONS SERVICES TARIFF

- 2.1.1 The services provided by USA 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 subject to the jurisdiction of this Commission.
- 2.1.2 The rates and regulations contained in this tariff apply only to the resale services furnished by USA 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 USA.
- 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 USA'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 USA'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.

ISSUED: June 30, 1997

EFFECTIVE:

ISSUED BY:

Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
Pompano Beach, Florida 33069

TELECOMMUNICATIONS SERVICES TARIFF

- 2.2.3 The use of USA'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 USA's services are available for use twenty-four hours per day, seven days per week.
- 2.2.5 USA does not transmit messages, but the services may be used for that purpose.
- 2.2.6 USA'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.

ISSUED: June 30, 1997**EFFECTIVE:****ISSUED BY:****Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
Pompano Beach, Florida 33069**

TELECOMMUNICATIONS SERVICES TARIFF

- 2.3.3 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 The Company's liability for damages, resulting in whole or in part from or arising in connection with the furnishing of service under this tariff, including but not limited to mistakes, omissions, interruptions, delays, errors, or other defects or misrepresentations shall not exceed an amount equal to the charges provided for under this tariff for the long distance call for the period during which the call was affected. No other liability in any event shall attach to the Company.
- 2.3.5 The Company shall not be liable for and shall be indemnified and saved harmless by any Customer or by any other entity from any and all loss, claims, demands, suits, or other action or any liability whatsoever, whether suffered, made, instituted, or asserted by any Customer or any other entity for any personal injury to, or death of, any person or persons, and for any loss, damage, defacement or destruction of the premises of any Customer or any other entity or any other property whether owned or controlled by the Customer or others.
- 2.3.6 The Company shall not be liable for any indirect, special, incidental, or consequential damages under this tariff including, but not limited to, loss of revenue or profits, for any reason whatsoever, including the breakdown of facilities associated with the service, or for any mistakes, omissions, delays, errors, or defects in transmission occurring during the course of furnishing service.

ISSUED: June 30, 1997

EFFECTIVE:

ISSUED BY:

Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
Pompano Beach, Florida 33069

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 USA on the Customer's behalf.
- 2.4.3 If required for the provision of USA's services, the Customer must provide any equipment space, supporting structure, conduit and electrical power without charge to USA.
- 2.4.4 The Customer is responsible for arranging access to its premises at times mutually agreeable to USA and the Customer when required for USA personnel to install, repair, maintain, program, inspect or remove equipment associated with the provision of USA'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 USA's equipment to be maintained within the range normally provided for the operation of microcomputers.

ISSUED: June 30, 1997**EFFECTIVE:****ISSUED BY:****Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
Pompano Beach, Florida 33069**

- 2.4.6 The Customer shall ensure that the equipment and/or system is properly interfaced with USA's facilities or services, that the signals emitted into USA'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, USA 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 USA equipment, personnel or the quality of service to other Customers, USA may, upon written notice, require the use of protective equipment at the Customer's expense. If this fails to produce satisfactory quality and safety, USA may, upon written notice, terminate the Customer's service.
- 2.4.7 The Customer must pay USA for replacement or repair of damage to the equipment or facilities of USA 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 USA equipment installed at Customer's premises.
- 2.4.9 If USA installs equipment at Customer's premises, the Customer shall be responsible for payment of any applicable installation charge.

ISSUED: June 30, 1997

EFFECTIVE:

ISSUED BY:

Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
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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, USA 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 USA for more than thirty (30) days after issuance of the bill for the amount due,
- 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 USA'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 USA from furnishing its services.

ISSUED: June 30, 1997

EFFECTIVE:

ISSUED BY:

Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
Pompano Beach, Florida 33069

TELECOMMUNICATIONS SERVICES TARIFF

- 2.5.2 Without incurring liability, USA 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 USA'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 USA 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 USA deems it necessary to take such action to prevent unlawful use of its service. USA 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.

ISSUED: June 30, 1997

EFFECTIVE:

ISSUED BY:

Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
Pompano Beach, Florida 33069

2.6 Credit Allowance

- 2.6.1 Credit allowance for the interruption of service which is not due to the Company's testing or adjusting, negligence of the Customer, or to the failure of channels or equipment provided by the Customer, are subject to the general liability provisions set forth in 2.3 herein. It shall be the obligation of the Customer to notify the Company immediately of any interruption in service for which a credit allowance is desired. Before giving such notice, the Customer shall ascertain that the trouble is not being caused by any action or omission by the Customer within his control, or is not in wiring or equipment, if any, furnished by the Customer and connected to the Company's facilities.
- 2.6.2 No credit is allowed in the event that service must be interrupted in order to provide routine service quality or related investigations.
- 2.6.3 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 or in the event that the Company is entitled to a credit for the failure of the facilities of the Company's Underlying Carrier used to furnish service.
- 2.6.4 Credit for interruption shall commence after the Customer notifies the Company of the interruption or when the Company becomes aware thereof, and ceases when service has been restored.
- 2.6.5 For purposes of credit computation, every month shall be considered to have 720 hours.

ISSUED: June 30, 1997

ISSUED BY:

Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
Pompano Beach, Florida 33069

EFFECTIVE:

TELECOMMUNICATIONS SERVICES TARIFF

2.6.6 No credit shall be allowed for an interruption of a continuous duration of less than two hours.

2.6.7 The Customer shall be credited for an interruption of two hours or more at the rate of 1/720th of the monthly charge for the facilities affected for each hour or major fraction thereof that the interruption continues.

Credit Formula:

$$\text{Credit} = \frac{A}{720} \times B$$

"A" - outage time in hours

"B" - monthly charge for affected activity

2.7 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.

2.8 Deposit

The Company does not require deposits to commence service.

2.9 Advance Payments

USA does not require advance payments.

ISSUED: June 30, 1997

ISSUED BY:

Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
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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. Recurring charges and non-recurring charges are billed in advance. 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 30 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 30 day period.

ISSUED: June 30, 1997

EFFECTIVE:

ISSUED BY:

Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
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TELECOMMUNICATIONS SERVICES TARIFF**2.11 Collection Costs**

In the event Company is required to initiate legal proceedings to collect any amounts due to Company for regulated or non-regulated services, equipment or facilities, 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 the court.

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 \$15.00 will be charged whenever a check or draft presented for payment for service is not accepted by the institution on which it is written.

ISSUED: June 30, 1997**EFFECTIVE:****ISSUED BY:****Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
Pompano Beach, Florida 33069**

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 one minute increments. 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.

ISSUED: June 30, 1997

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ISSUED BY:

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351 S. Cypress Road, Suite 400
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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. USA 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:

351 S. Cypress Road, Suite 400
Pompano Beach, Florida 33069
(800) 257-5159

Any objection to billed charges should be reported promptly to USA. 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. Where overbilling of a subscriber occurs, due either to Company or subscriber error, no liability exists which will require the Company to pay any interest, dividend or other compensation on the amount overbilled.

ISSUED: June 30, 1997

EFFECTIVE:

ISSUED BY:

Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
Pompano Beach, Florida 33069

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 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

If a Customer accumulates more than One Hundred Dollars (\$100.00) of undisputed delinquent USA 800 Service charges, the USA 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 USA 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. USA's name and toll-free telephone number will appear on the Customer's bill.

ISSUED: June 30, 1997**ISSUED BY:**

Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
Pompano Beach, Florida 33069

EFFECTIVE:

3.5 Service Offerings**3.5.1 1+ Dialing**

The customer utilizes "1+" dialing, or "10XXX" dialing followed by "1 + ten digits" for interLATA calls, or dials "10XXX" followed by "1 + 7 digits" or "1 + 10 digits" for intraLATA calls.

3.5.2 Travel Cards.

The Customer utilizes an 11 digit "800" access number established by USA to access a terminal. Upon receiving a voice prompt, the Customer uses push button dialing to enter an identification code assigned by the Company, followed by the ten digit number of the called party.

3.5.3 800 Service (Toll free).

This service is a direct access, incoming only, usage sensitive WATS offering. This is a service whereby a Customer can be billed at reduced rates for calls to his premises.

3.5.4 Local Calls and Directory Assistance.

Local calls will not be accepted or completed. USA does not provide local 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 may apply for each number requested. A charge will be applicable for each number requested, whether or not the number is listed or published.

ISSUED: June 30, 1997**ISSUED BY:****Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
Pompano Beach, Florida 33069****EFFECTIVE:**

TELECOMMUNICATIONS SERVICES TARIFF

3.5.5 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.

3.5.6 Emergency Call Handling Procedures

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

3.5.7 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.

ISSUED: June 30, 1997

ISSUED BY:

Jeffrey A. Ullman, President
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SECTION 4 - RATES

4.1 1+ Dialing

\$0.199 per minute

A monthly service charge of \$5.00 will apply per billing telephone number.

4.2 Travel Cards

\$0.205 per minute

A service charge of \$.20 will apply per call.

4.3 800 Service (Toll Free)

\$0.181 per minute

A monthly service charge of \$10.00 will apply per number.

ISSUED: June 30, 1997

ISSUED BY:

Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
Pompano Beach, Florida 33069

EFFECTIVE:

TELECOMMUNICATIONS SERVICES TARIFF**4.4 Directory Assistance**

\$.65

4.5 Returned Check Charge

\$20.00

4.6 Rate Periods

	Monday - Friday	Sat.	Sun.
8 a.m. to 5 p.m.*	Daytime Rate Period		
5 p.m. to 11 p.m.*	Evening Rate Period		Evening Rate Period
11 p.m. to 8 a.m.*	Night/Weekend Rate Period		

* To, but not including

When a message spans more than one rate period, total charges for the minutes in each rate period are calculated and the results for each rate period are totaled to obtain the total message charge. If the calculation results in a fractional charge, the amount will be rounded down to the lower cent.

ISSUED: June 30, 1997

ISSUED BY:

Jeffrey A. Ullman, President
351 S. Cypress Road, Suite 400
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EFFECTIVE:

LANCE J. M. STEINHART
ATTORNEY AT LAW
PH. 770-232-9200
6458 E. JONES CROSSING STE. 285
DULUTH, GA 30558

1466

64-5/910
01008

6/28 1997

Pay to the Order of SD Public Utilities Comm. \$ 250.00

Two hundred fifty dollars and 00/100 Security Service

NationsBank

NationsBank, N.A. (South)
Georgia

For USA



⑆06⑆000052⑆ 0⑆0 58⑆ 9503⑆ 1466

South Dakota
Public Utilities Commission
State Capitol 500 E. Capitol
Pierre, SD 57501-5070
Phone: (800) 332-1782
Fax: (605) 773-3809

TELECOMMUNICATIONS SERVICE FILINGS

These are the telecommunications service filings that the Commission has received for the period of:

06/27/97 through 07/03/97

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five days of this filing.

DOCKET NUMBER	TITLE/STAFF/SYNOPSIS	DATE FILED	INTERVENTION DEADLINE
REQUEST FOR CERTIFICATE OF AUTHORITY			
TC97-116	Application by USA Tele Corp. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/TZ) "Applicant is a switchless reseller which intends to offer 1+ direct dialing, 800 toll free and travel card (no prepaid calling cards) service through the resale of telephone services provided by facilities-based interexchange carriers."	06/30/97	07/18/97
REQUEST FOR ELIGIBLE TELECOMMUNICATIONS COMPANY STATUS			
TC97-117	McCook Cooperative Telephone Company pursuant to 47 U.S.C. 214(e) and 47 CFR 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. McCook Cooperative Telephone Company is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges in South Dakota: Canova (523), Center (247), Spencer (246) and Winfred (485). McCook Cooperative Telephone Company, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange area. (Staff: HB/CH)	06/30/97	07/18/97
TC97-121	Kadoka Telephone Company pursuant to 47 U.S.C. 214(e) and 47 CFR 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. Kadoka Telephone Company is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchange: Kadoka (837). Kadoka Telephone Company, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff: HB/CH)	07/03/97	07/18/97
REQUEST FOR WAIVER			
TC97-109	FirsTel, Inc. has filed a request that the Commission waive ARSD 20.10.24.02(7) and 20.10.24.02(12) from the requirements for Certificate of Authority. (Staff: TS/KC) Subdivision 7 is the filing of a map and subdivision 12 is cost support.	07/01/97	07/18/97
NONCOMPETITIVE TELECOMMUNICATIONS FILINGS			

TC97-118	In The Matter Of The Establishment Of Switched Access Rates For West River Telecommunications Cooperative, Hazen, N.D. (Staff: HB/KC) West River Telecommunications filed cost study revenue requirements that are included in the Local Exchange Carrier Association switched access rate filing (TC97-061). West River Telecommunications requests that the Commission allow the use of GVNW's cost study model as opposed to the Commission model for revenue requirement and rate development.	06/30/97	07/18/97
FILING OF TYPE 1 PAGING AGREEMENT			
TC97-119	U S WEST Communications, Inc. filed for approval by the Commission the Type 1 Paging Agreement between Community Paging Corporation and U S WEST.	06/30/97	07/18/97
TELECOMMUNICATIONS INFRASTRUCTURE DOCKET OPENED			
TC97-120	The 1997 South Dakota Legislature passed SDCL 49-31-60 through 49-31-68 which outline the legislative intent regarding the state's telecommunications infrastructure. These statutes are effective July 1, 1997. According to SDCL 49-31-60, "[i]t is the intent of the Legislature that South Dakota have a telecommunications infrastructure that meets the advanced communication needs of the state's individual citizens and its communities of interest, including our schools, medical facilities, businesses and all levels of government." The statutes further describe specific network requirements and deployment goals. On June 24, 1997, at its regularly scheduled meeting, the Commission considered whether to open a docket to investigate the current status of South Dakota's telecommunications infrastructure and the telecommunications companies' plans to comply with the statutes. After hearing the comments of the South Dakota Independent Telephone Coalition, U S WEST Communications, Inc., the Bureau of Information and Telecommunications, and MCI Telecommunications Corporation, the Commission unanimously voted to open an investigative docket. The Commission has jurisdiction in this matter pursuant to SDCL Chapter 49-31 and the Telecommunications Act of 1996. It is therefore ORDERED that a docket shall be opened to investigate the current status of South Dakota's telecommunications infrastructure and the telecommunications companies' plans to comply with the statutes.	Opened 07/03/97	NA

Important Notice: The Commission is compiling a list of Internet addresses. If you have an Internet address please notify the Commission by E-mailing it to Terry Nuron at terryn@pub.state.sd.us. Faxing the address to the Commission at 605-773-3809.

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

IN THE MATTER OF THE APPLICATION OF)
USA TELE CORP. FOR A CERTIFICATE OF)
AUTHORITY TO PROVIDE)
TELECOMMUNICATIONS SERVICES IN)
SOUTH DAKOTA)

ORDER GRANTING
CERTIFICATE OF
AUTHORITY

TC97-116

On June 30, 1997, 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 USA Tele Corp. (Applicant).

Applicant is a switchless reseller which intends to offer 1+ direct dialing, 800 toll free and travel card (no prepaid calling cards) service through the resale of telephone services provided by facilities-based interexchange carriers. A proposed tariff was filed by Applicant. The Commission has classified long distance service as fully competitive.

On July 3, 1997, the Commission electronically transmitted notice of the filing and the intervention deadline of July 18, 1997, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled August 18, 1997, meeting, the Commission considered Applicant's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to the condition that Applicant not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission.

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 Applicant has met the legal requirements established for the granting of a certificate of authority. Applicant has, in accordance with SDCL 49-31-3, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota. The Commission approves Applicant's application for a certificate of authority, subject to the condition that Applicant not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission. As the Commission's final decision in this matter, it is therefore

ORDERED, that Applicant's application for a certificate of authority is hereby granted effective August 30, 1997, subject to the condition that Applicant not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission. It is

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

Dated at Pierre, South Dakota, this 27th day of August, 1997.

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>Alvin Kalkbrenner</u>
Date	<u>9/2/97</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

CERTIFICATE OF AUTHORITY

To Conduct Business As A Telecommunications Company
Within The State Of South Dakota

Authority was Granted August 18, 1997, effective August 30, 1997
Docket No. TC97-116

This is to certify that

USA TELE CORP.

is authorized to provide telecommunications services in South Dakota.

This certificate is issued in accordance with SDCL 49-31-3 and ARSD 20:10:24:02, and is subject to all of the conditions and limitations contained in the rules and statutes governing its conduct of offering telecommunications services.

Dated at Pierre, South Dakota, this 27th day of August, 1997.

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION:



James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner