

TC01-005



RSL COM
RSL COM U.S.A., INC.

January 9, 2001

VIA OVERNIGHT DELIVERY

Mr. William Bullard, Jr.
Executive Director
South Dakota Public Utilities Commission
State Capitol
500 East Capital Avenue
Pierre, SD 57501-5071

RECEIVED

JAN 11 2001

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Re: Request for Decertification of LDM Systems, Inc. as an Intrastate, Interexchange Carrier and for Assignment of its CLEC Authorization to RSL COM U.S.A., Inc.

Dear Mr. Bullard:

Transmitted herewith, on behalf of RSL COM U.S.A., Inc. ("RSL USA"), the parent company of LDM Systems, Inc. ("LDM"), are an original and 1 copy of its Request for Decertification and Assignment. Specifically, RSL USA and LDM request: 1) voluntary withdrawal of the Certificate of Public Convenience and Necessity issued to LDM on February 13, 1996 in Docket No. TC95-121 to provide resold intrastate interexchange ("IXC") services; and 2) assignment of the LDM authorization issued on September 9, 1997 in Docket No. TC97-038 to provide competitive local exchange carrier ("CLEC") services from LDM to RSL USA.

Upon the consent of the Commission, LDM will cease providing telecommunications services in the state, and LDM's current customers will continue to be served by RSL USA under the same rates and pursuant to the same terms and conditions of service. Accordingly, the decertification of LDM will not leave LDM customers without a service provider. LDM has also provided notice of its merger to each of its customers.

An extra copy of this filing is enclosed. Please date-stamp the extra copy and return it to me in the enclosed self-addressed, stamped envelope. Should you have any questions concerning this matter, please contact Mr. David Parries, Director - Regulatory Affairs, at (212) 588-3668.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Richard Nelson".

Richard Nelson
Vice President, RSL COM U.S.A., Inc. &
Vice President, LDM Systems, Inc.

Enclosure

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

In the Matter of Request)
for Decertification of LDM Systems, Inc.)
as an Intrastate, Interexchange Carrier) Docket No. _____
and for Assignment of Its CLEC)
Authorization to Its Parent Company,)
RSL COM U.S.A., Inc.)

To: The Commission

Request for Decertification and Assignment

Pursuant to the rules and regulations of the Public Utilities Commission ("Commission"), RSL COM U.S.A., Inc. ("RSL USA"), the parent company of LDM Systems, Inc. ("LDM"), hereby requests Commission approval of the following:

1. Withdrawal of LDM's Certificate of Public Convenience and Necessity ("CPCN") to provide resold intrastate interexchange ("IXC") services in the state; and
2. Assignment of LDM's authorization to provide competitive local exchange carrier ("CLEC") services from LDM to RSL USA.

In support of these requests, RSL USA submits the following:

A. LDM SYSTEMS, INC.

LDM is a New York corporation with principal offices at 430 Park Avenue, Fifth Floor, New York, NY 10022. LDM is currently authorized to provide intrastate IXC services in 45 states, including South Dakota. (*See Docket No. TC95-121 dated February 13, 1996.*)

LDM is also authorized to provide CLEC services in a number of states, including South Dakota. (*See Docket No. TC97-038 dated September 9, 1997.*)

On December 3, 1997, the shareholders of LDM and RSL USA entered into a Stock Purchase Agreement whereby RSL USA acquired 100 percent of the issued

and outstanding capital stock of LDM on a fully diluted basis from LDM shareholders. All LDM customers were notified of the transaction and were informed that RSL USA was now the parent company of LDM.

Accordingly, LDM is currently operating as a wholly-owned subsidiary of RSL USA. Since the RSL USA transaction, LDM has continued to provide resold interexchange services in the state under its own name and pursuant to the rates, terms and conditions of its own tariff and operating authority.

For corporate reasons related to the cost, complexity and inefficiency of operating separate corporate subsidiaries that provide similar telecommunications services, RSL USA has made the internal business decision to consolidate the majority of its telecommunications offerings into RSL USA. As part of this consolidation, RSL USA proposes to merge the telecommunications assets of its subsidiary, LDM, into RSL USA and to dissolve LDM as a separate entity. Accordingly, upon the grant of all requisite federal and state regulatory approvals, all LDM assets, including LDM's customer base, will be merged into RSL USA.

B. RSL COM U.S.A., Inc.

RSL USA is a Delaware corporation with principal offices located at 430 Park Avenue, Fifth Floor, New York, New York 10022. RSL USA is authorized to provide intrastate interexchange service in 49 states, including South Dakota. (*See Docket No. TC97-031 dated November 3, 1997.*) RSL USA is the parent company of LDM and RSL COM PrimeCall, Inc.

C. DISSOLUTION OF LDM SYSTEMS, INC.

Because of RSL USA's internal business decision to dissolve LDM as a separate subsidiary, RSL USA is first requesting the voluntary withdrawal of

LDM's authority to provide resold intrastate, IXC services in South Dakota. This authority was issued to LDM by the Commission on February 13, 1996 in Docket No. TC95-121. Additionally, RSL USA requests that the Commission grant an assignment of LDM's CLEC authority from LDM to RSL USA. This CLEC authority was originally issued to LDM on September 9, 1997 in Docket No. TC97-038. Upon approval of the Commission, RSL USA will seek the dissolution of LDM as a separate corporate entity and will merge the remaining LDM assets into RSL USA. RSL USA will also make the necessary application to the Secretary of State to relinquish LDM's Certificate of Authority to transact business in the state.

RSL USA requests Commission approval to transfer the LDM customer base and other telecommunications assets from LDM to RSL USA.¹ As the Notice to Customers in the attached Exhibit A indicates, current LDM customers have been notified that RSL USA will be their preferred long distance provider, and that no changes are being made to their rates or services.

Upon the request of the Commission, RSL USA will also cause the LDM tariff to be cancelled and RSL USA will amend its own tariff, to the extent applicable, by transferring the rate section of the LDM tariff to the RSL USA tariff, wherein the rate section will be grandfathered.

As part of RSL USA's request for LDM's CLEC authorization to be assigned to RSL USA, the company wishes to note that, currently, LDM does not have any local exchange customers in South Dakota. Accordingly, customer notifications will not be necessary.

¹ Importantly, RSL USA has filed for a waiver from the Federal Communications Commission authorizing RSL USA to be designated as the preferred carrier for customers formerly presubscribed to LDM, without having first obtained each LDM customer's authorization and verification.

D. PUBLIC INTEREST CONSIDERATIONS

Upon approval of the Commission, RSL USA will begin providing services to former LDM subscribers at the same rates or better and under the same terms and conditions as they currently receive. Former LDM customers will therefore continue to receive high-quality telecommunications service at affordable rates without interruption.

Thus, the public will benefit through the availability of, and access to, an active carrier of competitive services. As such, the decertification of LDM as an IXC, and the assignment of LDM's CLEC authority to RSL USA, will not cause inconvenience or confusion to LDM customers who have already been notified of RSL USA's relationship with LDM. Indeed, the transaction will be transparent to LDM customers in terms of the services that they receive.

RSL USA certifies that it continues to have the necessary technical, managerial, and financial resources to provide the public with quality telecommunications service throughout the state.

WHEREFORE, RSL USA respectfully requests that the Commission authorize the withdrawal of LDM's IXC CPCN, approve the decertification of LDM as a reseller of resold interexchange services in the state, and approve the assignment of LDM's CLEC authority to RSL USA, and to grant such other relief and make such other order as the Commission deems appropriate.

Respectfully submitted,

RSL COM U.S.A., Inc.



Richard Nelson

Vice President, RSL COM U.S.A., Inc. and

Vice President, LDM Systems, Inc

430 Park Avenue

Fifth Floor

New York, NY 10022


Tel: (212) 588-3624

Fax: (212) 588-3601

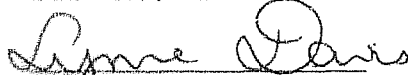
VERIFICATION

State of New York)
) SS: 108-54-5382
County of New York)

Richard Nelson, being duly sworn, deposes and says that he is the Vice President of RSL COM U.S.A., Inc. and the Vice President of LDM Systems, Inc.; that he has read the foregoing Request for Decertification and Assignment, and knows the contents thereof; and that the same is true of his own knowledge except as to the matters therein stated upon information and belief, and as to those matters, he believes them to be true.


Richard Nelson
Vice President, RSL COM U.S.A., Inc. and
Vice President, LDM Systems, Inc.

Subscribed and sworn to before me this 10 day of January, 2001.


Notary Public

My Commission expires: 10/19/01

LYNNE DAVIS
Notary Public, State of New York
Office: [unclear] County
Commission Expires 10/19/01

EXHIBIT A

NOTICE TO LDM CUSTOMERS

BILLING CHANGE FOR CUSTOMERS OF LDM SYSTEMS

November __, 1999

Dear Customer:

LDM Systems, your preferred long distance service provider, will soon make a small change on the long distance portion of your monthly phone bill. LDM Systems, a subsidiary of RSL COM U.S.A., will begin billing its customers in selected states under the name **RSL COM U.S.A.** starting in November 1999.

No changes are being made to your rates or services. You will continue to receive the same long distance calling plan that you have chosen with the same competitive rates. Just the name of your long distance service provider will be changing. However, if you should have any questions regarding this change, or if you wish to speak with us about your service, you can call us toll-free at **1-800-266-2006**. A customer service representative will be happy to assist you.

RSL COM U.S.A. is a growing provider of domestic and international telecommunications services. As part of its growth, RSL COM U.S.A. purchased LDM Systems almost two years ago.

We appreciate your business and look forward to serving your telecommunications needs in the future.

South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of January 11, 2001 through January 17, 2001

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

TELECOMMUNICATIONS

TC91-004 **In the Matter of the Application of SNiP Link, LLC for a Certificate of Authority to Provide Interexchange Telecommunications Services in South Dakota.**

SNiP Link, LLC is seeking a Certificate of Authority to provide interexchange telecommunication services in South Dakota. Initially the applicant intends to offer basic 1+ long distance services, WATS, calling card services and toll-free services through resale.

Staff Analyst Keith Senger
Staff Attorney Kelly Frazier
Date Docketed 01/11/01
Intervention Deadline 2/01/01

TC91-005 **In the Matter of the Request for Decertification of LDM Systems, Inc. as an Intrastate, Interexchange Carrier and for Assignment of its CLEC Authorization to its Parent Company, RSL COM U.S.A., Inc.**

RSL COM U.S.A., Inc. the parent company of LDM Systems, Inc., requests to withdraw the Interexchange Certificate of Authority granted to LDM Systems, Inc. in TC95-121 and to transfer the local Certificate of Authority granted to LDM Systems, Inc. in TC97-038 to itself. LDM Systems, Inc. will cease providing interexchange telecommunications services in the state, and the LDM Systems, Inc. current customers will continue to be served by RSL COM U.S.A., Inc. under the same rates and pursuant to the same terms and conditions of service. LDM Systems, Inc. does not have any local exchange customers in the state.

Staff Attorney Karen Cremer
Staff Analyst Harlan Best
Date Docketed 01/11/01
Intervention Deadline 02/02/01

TC91-006 **In the Matter of the Filing for Approval of a Third Amendment to an Interconnection Agreement between Qwest Corporation and Sprint Communications Company, L.P.**

An amendment No. 3 to the Interconnection Agreement between Qwest Corporation (Qwest) and Sprint Communications Company, L.P. (Sprint) was filed with the Commission for the states of Idaho, Iowa, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah and Wyoming for approval by the Commission. The agreement is a negotiated agreement with the parties adopting the negotiated interconnection agreement between Sprint and Qwest which was approved by the Commission effective November 21, 1997 in Docket No. TC97-149. The Amendment adds terms and conditions for Complex Firm Order Confirmation (FOC). Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than February 6, 2001.

HOLLAND & KNIGHT LLP

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Mexico City	Tel Aviv*
Rio de Janeiro	Tokyo
*Representative Offices	

March 8, 2001

DAVID A. O'CONNOR
(202) 828-1889

Internet Address
doconnor@hkllaw.com

VIA FEDERAL EXPRESS

Mr. William J. Bullard, Jr.
Executive Director
South Dakota Public Utilities Commission
State Capitol
500 East Capitol Avenue
Pierre, SD 57501-3071

RECEIVED

MAR 09 2001

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Re: Request for Decertification of LDM Systems, Inc. as an Intrastate, Interexchange Carrier and for Assignment of Its CLEC Authorization to RSL COM U.S.A., Inc., Docket No. TC01-005

Dear Mr. Bullard:

On January 9, 2001, RSL COM U.S.A., Inc. ("RSL USA"), on behalf of itself and its wholly-owned subsidiary, LDM Systems, Inc. ("LDM"), filed with the Commission a Request for Decertification and Assignment in the above-captioned matter.

Based on conversations that the undersigned counsel has had with Commission staff, and in light of changes in the companies' corporate structure and marketing plans, RSL USA and LDM, by its attorneys, hereby request permission to withdraw the January 9 filing in this docket in its entirety.

Instead, LDM hereby requests the voluntary withdrawal of the certification issued September 9, 1997 in Docket No. TC97-308, authorizing LDM to provide competitive local exchange carrier ("CLEC") services in the State of South Dakota. Because LDM currently has no local exchange customers in the state, no South Dakota residents will be affected by this request.

South Dakota Public Utilities Commission
March 8, 2001
Page 2

In addition, LDM hereby requests the voluntary withdrawal of the Certificate of Public Convenience and Necessity issued to LDM on February 13, 1996 in Docket No. TC95-121 authorizing LDM to provide long distance services in the State of South Dakota. As LDM's parent company, RSL USA will provide former LDM customers with interexchange services, at the same or better rates than these customers received from LDM. Importantly, RSL USA has sought and obtained a waiver of the Federal Communications Commission's ("FCC's") rules authorizing RSL USA to provide long distance services to former LDM customers without obtaining each former LDM customer's approval. A copy of the FCC decision is attached hereto as Exhibit 1. All former LDM customers in the State of South Dakota have been notified in writing of the change in their long distance services, and were notified of their ability to choose any long distance carrier.

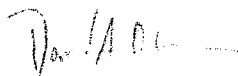
RSL USA will continue providing intrastate interexchange services to its South Dakota customers, pursuant to the Commission's authorization issued in TC97-031. If, in future, RSL USA changes its business plan and intends to provide local exchange services in the State of South Dakota, then RSL USA will file the required CLEC application at that time.

Wherefore, for the reasons set forth above, the parties request: 1) withdrawal of the January 9, 2001 filing in this docket; 2) voluntary withdrawal of LDM's interexchange authority; and 3) voluntary withdrawal of LDM's CLEC authority.

Two extra copies of this letter are enclosed. Please date-stamp the extra copy marked "Stamp and Return" and kindly return it to me in the enclosed stamped self-addressed envelope. The remaining copy is for the Commission's records.

If you have any questions concerning this matter, please contact the undersigned.

Respectfully submitted,



David A. O'Connor
Counsel for RSL COM U.S.A., Inc. and
LDM Systems, Inc.

Enclosure

cc: Mr. Harlan Best

EXHIBIT 1

WAS1 #916250 v1

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Implementation of the Subscriber Carrier)	
Selection Changes Provisions of the)	CC Docket No. 94-129
Telecommunications Act of 1996)	
)	
RSL COM U.S.A., Inc.)	
)	
Petition for Waiver)	

ORDER

Adopted: February 1, 2001

Released: February 2, 2001

By the Associate Chief, Accounting Policy Division, Common Carrier Bureau:

I. INTRODUCTION AND BACKGROUND

1. In its *Carrier Change Orders*,¹ the Commission adopted rules applicable to carriers changing a consumer's preferred carrier.² In this Order, we grant RSL COM U.S.A., Inc. (RSL) a limited waiver of the authorization and verification requirements of the Commission's rules and *Carrier Change Orders*.³ We grant this limited waiver to the extent necessary to

¹ *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996 and Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers*, CC Docket No. 94-129, Further Notice of Proposed Rule Making and Memorandum Opinion and Order on Reconsideration, 12 FCC Rcd 10674 (1997), Second Report and Order and Further Notice of Proposed Rule Making, 14 FCC Rcd 1508 (1998) (*Section 258 Order*); *stayed in part*, *MCI WorldCom v. FCC*, No. 99-1125 (D.C. Cir. May 18, 1999); *First Order on Reconsideration*, 15 FCC Rcd 8158 (2000), 65 Fed. Reg. 47678 (August 3, 2000); *stay lifted*, *MCI WorldCom v. FCC*, No. 99-1125 (D.C. Cir. June 27, 2000); Third Report and Order and Second Order on Reconsideration, 15 FCC Rcd 15996 (2000); *reconsideration pending*; *Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers*, CC Docket No. 94-129, Report and Order, 10 FCC Rcd 9560 (1995), *stayed in part*, 11 FCC Rcd 856 (1995); *Policies and Rules Concerning Changing Long Distance Carriers*, CC Docket No. 91-64, 7 FCC Rcd 1038 (1992), *reconsideration denied*, 8 FCC Rcd 3215 (1993) (*PIC Change Recon. Order*); Investigation of Access and Divestiture Related Tariffs, CC Docket No. 83-1145, Phase I, 101 F.C.C.2d 911 (*Allocation Order*), 101 F.C.C.2d 935 (*Waiver Order*), *reconsideration denied*, 102 F.C.C.2d 503 (1985) (*Reconsideration Order*) (the *Reconsideration Order* denied reconsideration of both the *Allocation Order* and the *Waiver Order*). We refer to these orders collectively as the *Carrier Change Orders*.

² 47 C.F.R. §§ 64.1100 - 64.1190.

³ On December 7, 2000, RSL COM U.S.A., Inc. filed a Petition for Waiver relating to RSL's acquisition of the customer base of LDM Systems, Inc. (Waiver Petition).

enable RSL to become the preferred carrier of the consumers currently presubscribed to LDM Systems, Inc. (LDM), without first obtaining the consumers' authorization and verification.

2. Section 258 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, makes it unlawful for any telecommunications carrier to "submit or execute a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service except in accordance with such procedures as the Commission shall prescribe."⁴ The goal of section 258 is to eliminate the practice of "slamming," the unauthorized change of a subscriber's preferred carrier. Pursuant to section 258, carriers are absolutely barred from changing a customer's preferred local or long distance carrier without first complying with the Commission's verification procedures.⁵ In the *Section 258 Order*, the Commission revised its procedures to ensure that carriers obtain the requisite authority prior to changing a customer's preferred carrier. The Commission requires that carriers follow one of the Commission's prescribed verification procedures before submitting carrier changes on behalf of consumers.⁶

3. RSL seeks a waiver of our verification rules to allow RSL to be designated the preferred long distance carrier for the affected customers of LDM without first obtaining each customer's authorization and verification. Because we conclude that, under the circumstances presented, it is in the public interest to grant the waiver, we grant RSL a waiver, subject to the conditions represented in its filings.

II. DISCUSSION

4. Generally, the Commission's rules may be waived for good cause shown.⁷ As noted by the Court of Appeals for the D.C. Circuit, however, agency rules are presumed valid.⁸ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.⁹ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on

⁴ 47 U.S.C. § 258.

⁵ The Commission's rules and orders clearly contemplate that a switchless reseller may be a customer's preferred carrier. Therefore, changes to a customer's preferred carrier that do not involve a change in the customer's underlying facilities-based carrier are nonetheless subject to the Commission's authorization and verification rules. See *Section 258 Order* at paras. 145-146; *WATS International Corp. v. Group Long Distance (USA), Inc.*, 12 FCC Rcd 1743, 1752 (1997) (citing *PIC Change Recan. Order*, 8 FCC Rcd at 3218).

⁶ Pursuant to these procedures, a carrier must: (1) obtain the subscriber's written authorization, (2) obtain confirmation from the subscriber via a toll-free number provided exclusively for the purpose of confirming orders electronically; or (3) utilize an independent third party to verify the subscriber's order. See 47 C.F.R. § 64.1120(c).

⁷ 47 C.F.R. § 1.3.

⁸ *WAT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027 (1972).

⁹ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

an individual basis.¹⁰ Waiver of the Commission's rules is therefore appropriate only if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.¹¹

5. We find that RSL has demonstrated that good cause exists to justify a limited waiver of the Commission's authorization and verification requirements to the extent necessary to enable RSL to transfer to its own customer base the affected LDM long distance customers. According to the Waiver Petition, RSL currently serves as the underlying carrier for LDM customers but has made an internal business decision to consolidate the majority of its long distance telecommunications offerings into RSL.¹² As part of this consolidation, RSL intends to merge the telecommunications assets of LDM, its wholly-owned subsidiary, into RSL and to dissolve LDM as a separate entity.¹³ Ultimately, RSL will provide LDM's customers with the same long distance telecommunications services previously provided by LDM.¹⁴

6. We conclude that special circumstances exist to justify a waiver. Without this waiver, the service of some former LDM customers might temporarily be interrupted when LDM ceases providing presubscribed service to customers who fail to respond in a timely fashion to requests for preferred carrier change authorization; those customers might also pay potentially higher casual calling rates after the discontinuance of presubscribed service. We conclude that a waiver of the Commission's carrier change rules and orders is necessary to provide a seamless transition with no disruption of service to the transferred customers.

7. We find that RSL has demonstrated that a limited waiver of the authorization and verification rules is in the public interest because it will prevent consumers from temporarily losing service or paying significantly higher rates, and because RSL has agreed to notify the affected customers as described below. According to the Waiver Petition, RSL will undertake a two-step process to notify the affected customers of the transfer. In a first letter, RSL informed these customers of its plans to begin billing them under the name "RSL COM U.S.A." and assured them that no charges or rate increases would be imposed as a result of the billing change.¹⁵ In addition, RSL gave these customers a toll-free number to call with any questions they may have about the transition or their service.¹⁶

8. According to RSL, once the proposed transfer has been consummated, RSL will

¹⁰ *WAIT Radio*, 418 F.2d at 1157.

¹¹ *WAIT Radio*, 418 F.2d at 1159; *Northeast Cellular*, 897 F.2d at 1166.

¹² Waiver Petition at 2, 4.

¹³ Waiver Petition at 2.

¹⁴ Waiver Petition at 4.

¹⁵ Waiver Petition at 4-5 and n.6. Petitioner filed a sample "billing change" notice and a sample post-transfer notification letter. See Waiver Petition, Exhibits A and B.

¹⁶ Waiver Petition at 4; Exhibit A.

notify these customers of that event and reiterate the foregoing information, assurances, and advice.¹⁷ The post-transfer notice will also clearly inform the affected subscribers that they have a right to switch carriers at any time and that, if they decide to do so within 30 days, RSL will reimburse them for any carrier change charge that may be imposed.¹⁸ In addition, in the Waiver Petition, RSL states that it will investigate and resolve any outstanding complaints that may have been filed against LDM.¹⁹ We conclude that these conditions will adequately protect the rights of the transferred customers of LDM.

9. For the foregoing reasons, we grant RSL a waiver of the authorization and verification requirements of our rules for the limited purposes described above. The grant of this waiver is conditioned upon the provision by RSL of customer notification and upon the handling of complaints, as described above and further detailed in the Waiver Petition.

III. ORDERING CLAUSES

10. Accordingly, pursuant to authority contained in Sections 1, 4, and 258 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154, 258, and the authority delegated under sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, the waiver request filed by RSL COM U.S.A., Inc. on December 7, 2000, IS GRANTED to the extent indicated herein.

11. IT IS FURTHER ORDERED that this Order is effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

K. Michele Walters

K. Michele Walters
Associate Chief,
Accounting Policy Division,
Common Carrier Bureau

¹⁷ Waiver Petition at 5 and Exhibit B.

¹⁸ Waiver Petition, Exhibit B

¹⁹ Waiver Petition at 6.

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

IN THE MATTER OF THE REQUEST FOR)	ORDER PERMITTING
DECERTIFICATION OF LDM SYSTEMS, INC.)	WITHDRAWAL OF FILING
AS AN INTRASTATE, INTEREXCHANGE)	AND CLOSING DOCKET
CARRIER AND FOR ASSIGNMENT OF ITS)	
CLEC AUTHORIZATION TO ITS PARENT)	TC01-005
COMPANY, RSL COM U.S.A., INC.)	

On January 11, 2001, RSL COM U.S.A., Inc. (RSL U.S.A.) filed with the Public Utilities Commission (Commission) a request for approval of the decertification of LDM Systems, Inc. as an intrastate, interexchange carrier and for assignment of its CLEC authorization to its parent company, RSL U.S.A.

On March 9, 2001, RSL U.S.A. requested that its filing be withdrawn.

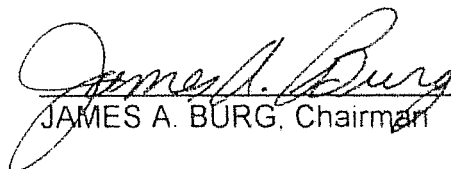
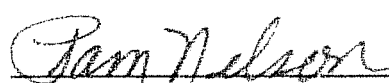
At its regularly scheduled April 17, 2001, meeting, the Commission considered this matter. The Commission has jurisdiction over this matter pursuant to SDCL 49-31-3 and ARSD Chapter 20:10:32. The Commission found that RSL U.S.A.'s request to withdraw its filing is reasonable and closed the docket. It is therefore

ORDERED, that RSL U.S.A. shall be permitted to withdraw its filing, and it is further
ORDERED, that this docket is closed.

Dated at Pierre, South Dakota, this 24th day of April, 2001.

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 facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By	<u>Helaine Kelso</u>
Date	<u>4/24/01</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

 _____ JAMES A. BURG, Chairman
 _____ PAM NELSON, Commissioner