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RECEIVED

JUN 18 2002

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

June 18, 2002

Mr. William Bullard, Jr.
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501

Re: Local Tariff Revision for Essex Communications, Inc. d/b/a eLEC Communications

Dear Mr. Bullard:

Enclosed are the original and three (3) copies of revised local tariff pages for Essex Communications, Inc. d/b/a eLEC Communications. The purpose of this filing is to change the corporate address, and remove regulations, which provide for the Company's collection of deposits and advance payments. In lieu of the Company posting a bond, the Company will forgo the collection of deposits and advance payments.

The following revised pages are attached:

1 st Revised Page 1	1 st Revised Page 34
2 nd Revised Page 2	1 st Revised Page 58
1 st Revised Page 26	1 st Revised Page 62
1 st Revised Page 33	

Please feel free to contact me with any questions regarding this filing.

Sincerely,

A handwritten signature in black ink, appearing to be "Maria A. Abbagnaro", written over a horizontal line.

Maria A. Abbagnaro

Essex Communications, Inc.
d/b/a eLEC Communications
543 Main Street (T)
New Rochelle, New York 10801 (T)

LOCAL SERVICES TARIFF

Regulations and Schedule of Local Exchange Service Rates
Within the State of South Dakota

This tariff includes the rates, charges, terms and conditions of service for the provision of local exchange services by Essex Communications, Inc. d/b/a eLEC Communications (“Essex”) between locations within the State of South Dakota.

In accordance with SDCL 20:10:06:02, this tariff is available for inspection during normal business hours at the main office of Essex Communications, Inc. d/b/a eLEC Communications located at 543 Main Street, New Rochelle, New York 10801. (T)

Issued: June 20, 2002

Effective: June 21, 2002

Issued by: Patrick Freeman, Telecom Manager
543 Main Street
New Rochelle, New York 10801

CHECK SHEET

The pages listed below are effective as of the date shown. The original and revised pages contain all changes from the original tariff in effect on the date shown on each page.

PAGE	REVISION	PAGE	REVISION	PAGE	REVISION
1	1 st Rev. *	26	1 st Rev. *	51	Original
2	2 nd Rev. *	27	Original	52	1 st Rev.
3	1 st Rev.	28	Original	53	Original
4	Original	29	Original	54	Original
5	Original	30	Original	55	Original
6	Original	31	Original	56	Original
7	Original	32	Original	57	Original
8	Original	33	1 st Rev. *	58	1 st Rev. *
9	Original	34	1 st Rev. *	59	1 st Rev.
10	Original	35	Original	60	1 st Rev.
11	Original	36	Original	61	1 st Rev.
12	Original	37	Original	62	1 st Rev. *
13	Original	38	Original	63	1 st Rev.
14	Original	39	Original	64	1 st Rev.
15	Original	40	Original	65	1 st Rev.
16	Original	41	Original	66	Original
17	Original	42	Original	67	1 st Rev.
18	Original	43	Original	68	1 st Rev.
19	Original	44	Original	69	Original
20	Original	45	Original	70	Original
21	Original	46	Original	71	Original
22	Original	47	Original	72	Original
23	Original	48	Original	73	Original
24	Original	49	Original	74	Original
25	Original	50	Original	75	1 st Rev.

* - Indicates pages submitted with most recent filing.

Issued: June 20, 2002

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Issued by:

Patrick Freeman, Telecom Manager
543 Main Street
New Rochelle, New York 10801

SECTION 2 – RULES AND REGULATIONS, (CONT'D)**2.10 Billing and Payment for Service, (Cont'd.)****2.10.3 Payment for Service**

- (A) All charges due by the Customer are payable to the Company or any agent duly authorized to receive such payments. The billing agent may be the Company, a local exchange telephone company, credit card company, or other billing service. Terms of payment shall be according to the rules and regulations of the agent and subject to the rules of regulatory bodies having jurisdiction.
- (B) Non-recurring charges for installations, service connections, moves or rearrangements are due and payable upon receipt of the Company's invoice by the Customer. At the Company's discretion, payment of all or a portion of any non-recurring charges may be required prior to commencement of facility or equipment installation or construction required to provide the services requested by the Customer.
- (C) The company shall present invoices for recurring charges monthly to the Customer, in arrears for service provided in the preceding billing period. (C)
- (D) When billing is based upon Customer usage, usage charges will be billed monthly in arrears for service provided in the preceding billing period.
- (E) Customer billing will begin on the service commencement date, which is the day the Company notifies the Customer that the service or facility is available for use, except that the service commencement date may be postponed by mutual agreement of the parties, or if the service or facility does not conform to standards under this tariff or the service order. Billing accrues through and includes the day that the service, circuit, arrangement or component is discontinued.

SECTION 2 – RULES AND REGULATIONS, (CONT'D)

2.12 Deposits and Advanced Payments

2.12.1 General

The Company reserves the right to validate the creditworthiness of Customers and billed parties through available verification procedures. Where a Customer's creditworthiness is unacceptable to the Company, Essex may refuse to provide service or otherwise restrict or interrupt service to a Customer. Currently the Company does not require deposits or advance payments.

(C)

2.12.2 [Reserved for future use]

(D)

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(D)

SECTION 2 – RULES AND REGULATIONS, (CONT'D)

2.12 Deposits and Advanced Payments, (Cont'd.)

2.12.2 [Reserved for future use]

(C)

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SECTION 6 – BASIC LOCAL SERVICE

6.1 Residence Local Exchange Service

Residence Local Exchange Service provides the Customer with analog, voice grade telephonic communications channels which can be used to place or receive one call at a time. Individual access lines or trunks are provided for connection to Customer-provided wiring, telephones, facsimile machines or other station equipment. PBS Trunks are available to Customers as inward, outward or two-way combination trunks where services and facilities permit.

Local exchange service lines and trunks are provided on a single party (individual) basis only. No multi-party lines or trunks are provided. An optional Hunting feature is available for multilane and multi trunk Customers which routes a call to the next idle line or trunk in a prearranged group when the called line or trunk is busy.

Service is available on a flat rate or message rate basis depending on the type of service selected by the Customer. Not all service types (flat vs. message) will be available in all areas.

Recurring charges for Residence Local Exchange Service and usage charges, if applicable, are billed monthly in arrears. Usage charges may apply for calls placed from the Customer's lines or trunks. No usage charges will apply to calls received by the Customer. Non-recurring charges for installation or rearrangement of service are billed on the next bill immediately following work performed by the Company. (C)

SECTION 6 – BASIC LOCAL SERVICE RATES, (CONT'D)**6.2 Business Local Exchange Service**

Business Local Exchange Service provides the customer with analog, voice-grade telephonic communications channels which can be used to place or receive one call at a time. Individual exchange access lines or trunks are provided for connection to Customer-provided wiring, telephones, facsimile machines or other station equipment. PBX Trunks are available to Customers as inward, outward or two-way combination trunks where services and facilities permit.

Local exchange service lines and trunks are provided on a single party (individual basis) only. No-multi party lines or trunks are provided. An optional Hunting feature is available for multiline and multi trunk Customers which routes a call to the next idle line or trunk in a prearranged group when the called line or trunk is busy.

Service is available on a flat rate or measured rate basis depending on the type of service selected by the Customer. Not all service types (flat vs. measured) will be available in all areas.

Recurring charges for Business Local Exchange Service and usage charges, if applicable, are billed monthly in arrears. Usage charges may apply for calls placed from the Customer's lines or trunks. No usage charges will apply to calls received by the Customer. Non-recurring charges for installation of rearrangement of service are billed on the next bill immediately following work performed by the Company.

(C)

South Dakota Public Utilities Commission

WEEKLY FILINGS

For the Period of June 13, 2002 through June 19, 2002

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

CONSUMER COMPLAINTS

CT02-019 In the Matter of the Complaint filed by Eileen Nelson, Sioux Falls, South Dakota, against McLeodUSA Telecommunications Services, Inc. Regarding a Billing Dispute.

Complainant states that she signed up for McLeod service but the service was not connected in a timely manner and she was billed for monthly service when McLeod was not her provider. McLeod informed her that she would be receiving a \$20.00 check for the connection fee. Complainant never received the check. Complainant also states that her long distance rates are incorrect. Complainant feels McLeod owes her compensation for all the stress she has had to endure over this situation and that she has not been compensated for the billing mistakes.

Staff Analyst: Mary Healy
Staff Attorney: Kelly Frazier
Date Docketed: 06/14/02
Intervention Deadline: N/A

CT02-020 In the Matter of the Complaint filed by Bruce Olson, Rapid City, South Dakota, against AT&T Communications of the Midwest, Inc. Regarding Unauthorized Billing for Services.

Complainant states that he is being billed for collect calls that were not accepted in his home. Complainant requests that all charges be removed and that he receive a letter of apology from AT&T admitting to the billing error.

Staff Analyst: Mary Healy
Staff Attorney: Karen Cremer
Date Docketed: 06/14/02
Intervention Deadline: N/A

CT02-021 In the Matter of the Complaint filed by Christopher A. Cutler on behalf of Recreational Adventures Co., Hill City, South Dakota, against AT&T Communications of the Midwest, Inc. Regarding Failure to Provide Service.

Christopher Cutler states that in March 2002, Complainant entered into an agreement with AT&T to receive Fragmented T1 service. On more than one occasion, the AT&T representative assured the Complainant that AT&T could provide this service. Complainant has now been informed that AT&T can not provide the Fragmented T1 service. Complainant states that they have invested more than \$150,000.00 in their business to utilize the Fragmented T1 service. Complainant requests that AT&T provide the Fragmented T1 service that it stated it could provide. If the service cannot be provided, Complainant would be willing to negotiate a settlement with AT&T for the expenses the Complainant has incurred. Complainant feels that AT&T should put forth some form of effort to resolve this complaint.

Staff Analyst: Mary Healy
Staff Attorney: Karen Cremer
Date Docketed: 06/17/02
Intervention Deadline: N/A

CT02-022 In the Matter of the Complaint filed by Mark & Sue Cichos, Pierre, South Dakota, against UKI Communications, Inc. Regarding Unauthorized Switching of Services.

Complainant states that service was never authorized. Complainant feels that as a provider of service in South Dakota, UKI should be aware of the laws and rules regarding switching a consumer's telephone service. Complainant requests \$1,000.00 as allowed by SD Law 49-31-93.

Staff Analyst: Mary Healy
Staff Attorney: Karen Cremer
Date Docketed: 06/19/02
Intervention Deadline: N/A

TELECOMMUNICATIONS

TC01-163 In the Matter of the Application of BAK Communications, LLC for a Certificate of Authority to Provide Interexchange Telecommunications Services in South Dakota.

BAK Communications, LLC was issued a Certificate of Authority January 31, 2002, with restrictions from offering prepaid calling cards. BAK Communications, LLC is requesting that the restrictions be removed from its Certificate of Authority. The company has submitted a \$25,000 surety bond in lieu of the restrictions.

Staff Analyst: Michele Farris
Staff Attorney: Kelly Frazier
Date Filed: 06/14/02
Intervention Deadline: 07/05/02

TC02-059 In the Matter of the Application of Wholesale Carrier Services, Inc. for a Certificate of Authority to Provide Interexchange Telecommunications Services in South Dakota.

Wholesale Carrier Services, Inc. has filed an application with the South Dakota Public Utilities Commission for a Certificate of Authority to provide interexchange service in South Dakota. The applicant intends to provide resold interexchange services, including 1+ and 101XXXX outbound dialing, 800/888 toll-free inbound dialing, directory assistance, data services, travel card service, and prepaid calling card service throughout South Dakota.

Staff Analyst: Michele Farris
Staff Attorney: Kelly Frazier
Date Docketed: 06/13/02
Intervention Deadline: 07/05/02

TC02-060 In the Matter of the Filing for Approval of an Agreement for Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services and Resale of Telecommunications Services between Qwest Corporation and Level 3 Communications, LLC

On June 17, 2002, the Commission received for approval a filing of an Agreement for Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services and Resale of Telecommunications Services between Qwest Corporation (Qwest) and Level 3 Communications, LLC (Level 3). According to the parties, the agreement is a negotiated agreement which sets forth the terms, conditions and prices under which Qwest will offer and provide to any requesting CLEC network interconnection, access to unbundled network elements, ancillary services and telecommunications services available for resale. The Agreement is limited to the geographical areas in which Qwest is the incumbent local exchange carrier within the State of South Dakota for purposes of providing local telecommunications services. 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 July 8, 2002. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier
Date Docketed: 06/17/02
Initial Comments Due: 07/08/02

TC02-061 In the Matter of the Filing for Approval of a Resale Agreement between Qwest Corporation and Houlton Enterprises, Inc. d/b/a Guaranteed Phone Service

On June 17, 2002, the Commission received a filing for approval of a Resale Agreement between Qwest Corporation (Qwest) and Houlton Enterprises, Inc. d/b/a Guaranteed Phone Service. According to the parties, the Agreement is a negotiate agreement which sets forth the terms, conditions and prices under which Qwest agrees to provide unbundled network element platform and/or services for resale to Guaranteed Phone Service for the sole purpose of providing telecommunications services. 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 July 8, 2002. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier
Date Docketed: 06/17/02
Initial Comments Due: 07/08/02

TC02-062 In the Matter of the Petition of Dakota Community Telephone, Inc. and McLeodUSA Telecom Development, Inc. for Approval of the Transfer of its Stock to PrairieWave Communications, Inc.

On June 17, 2002, Dakota Community Telephone, Inc. and McLeodUSA Telecom Development, Inc. (collectively, Petitioners), request Commission approval of a transaction whereby the stock of the Petitioners will be acquired by PrairieWave Communications, Inc. Contemporaneous with the closing of this transaction, Petitioners will file with the Secretary of State to change the names of Dakota Community Telephone, Inc. to PrairieWave Community Telephone, Inc. and McLeodUSA Telecom Development, Inc. to PrairieWave Telecommunications, Inc.

Staff Analyst: Harlan Best
Staff Attorney: Karen Cremer
Date Docketed: 06/17/02
Intervention Deadline: 07/05/02

TC02-063 In the Matter of the Filing by Essex Communications, Inc. d/b/a eLEC Communications for Approval of Relief of Certification Requirement to Post Surety Bond.

In an Order dated January 10, 2001, the Commission granted Essex Communications, Inc. d/b/a eLEC Communications (Essex) authority to provided interexchange and local exchange telecommunications services in South Dakota, subject to a continuous \$25,000 surety bond. On June 18, 2002, the Commission received a filing from Essex requesting relief from the Commission's bond requirement.

Staff Analyst: Keith Senger
Staff Attorney: Kelly Frazier
Date Docketed: 06/18/02
Intervention Deadline: 07/05/02

TC02-064 In the Matter of the Establishment of Switched Access Revenue Requirement for Sully Buttes Telephone Cooperative, Inc.

On June 18, 2002, Sully Buttes Telephone Cooperative, Inc., filed a switched access cost study developing a revenue requirement and minutes of use that are included in the revenue requirement and minutes of use used to determine the switched access rates for the Local Exchange Carrier Association.

Staff Analyst: Heather Forney
Staff Attorney: Karen Cremer
Date Docketed: 06/18/02
Intervention Deadline: 07/05/02

TC02-065 In the Matter of the Establishment of Switched Access Revenue Requirement for Splitrock Properties, Inc.

Splitrock Properties, Inc., Garretson, South Dakota, filed a switched access cost study developing a revenue requirement and minutes of use that are included in the revenue requirement and minutes of use used to determine the switched access rates for the Local Exchange Carrier Association.

Staff Analyst: Keith Senger
Staff Attorney: Karen Cremer
Date Docketed: 06/18/02
Intervention Deadline: 07/05/02

TC02-066 In the Matter of the Establishment of Switched Access Revenue Requirement for Splitrock Telecom Cooperative, Inc.

Splitrock Telecom Cooperative, Inc., Garretson, South Dakota, filed a switched access cost study developing a revenue requirement and minutes of use that are included in the revenue requirement and minutes of use used to determine the switched access rates for the Local Exchange Carrier Association.

Staff Analyst: Keith Senger
Staff Attorney: Karen Cremer
Date Docketed: 06/18/02
Intervention Deadline: 07/05/02

TC02-067 In the Matter of the Establishment of Switched Access Revenue Requirement for Midstate Communications, Inc.

On June 19, 2002, Midstate Communications, Inc., Kimball, South Dakota, filed a switched access cost study developing a revenue requirement and minutes of use that are included in the revenue requirement and minutes of use used to determine the switched access rates for the Local Exchange Carrier Association.

Staff Analyst: Harlan Best
Staff Attorney: Karen Cremer
Date Docketed: 06/19/02
Intervention Deadline: 07/05/02

TC02-068 In the Matter of the Establishment of Switched Access Revenue Requirement for McCook Cooperative Telephone Company.

On June 19, 2002, McCook Cooperative Telephone Company filed a switched access cost study developing a revenue requirement and minutes of use that are included in the revenue requirement and minutes of use used to determine the switched access rates for the Local Exchange Carrier Association.

Staff Analyst: Heather Forney
Staff Attorney: Karen Cremer
Date Docketed: 06/19/02
Intervention Deadline: 07/05/02

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

IN THE MATTER OF THE FILING BY ESSEX)	ORDER GRANTING
COMMUNICATIONS, INC. D/B/A ELEC)	AMENDED CERTIFICATE OF
COMMUNICATIONS FOR APPROVAL OF)	AUTHORITY
RELIEF OF CERTIFICATION REQUIREMENT)	
TO POST SURETY BOND)	TC02-063

On August 9, 2000, the Public Utilities Commission (Commission) received an application for a certificate of authority from Essex Communications, Inc. d/b/a eLEC Communications (Essex).

Essex sought authority to provide inbound and outbound resold long distance telecommunications service, as well as facilities-based local exchange services to residential and business customers in South Dakota. A proposed tariff was filed by Essex.

On August 10, 2000, the Commission electronically transmitted notice of the filing and the intervention deadline of August 25, 2000, to interested individuals and entities. No petitions to intervene or comments were filed and at its January 4, 2001, meeting, the Commission granted Essex's request for a certificate of authority, subject to a continuous \$25,000 surety bond, subject to rural safeguards, and a waiver of ARSD 20:10:24:02(10) and ARSD 20:10:32:03(14).

On June 10, 2002, the Commission received notice that Hartford Fire Insurance Company would cancel Bond No. 16BSBAP2938 on July 10, 2002. On June 18, 2002, Essex filed for bond relief. Essex requested that the requirement to post a continuous \$25,000 bond be removed and agreed to restrictions on its certificate of authority from offering prepaid services and collecting customer deposits and advanced payments.

At its regularly scheduled July 9, 2002, meeting, Staff recommended that the Commission reconsider the terms and conditions of Essex's certificate of authority to remove the requirement that the certificate of authority be subject to a continuous \$25,000 bond and impose a new restriction that Essex 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 SDCL Chapter 49-31, specifically 49-31-3 and 49-31-69 and ARSD 20:10:24:02, 20:10:24:03 and 20:10:32:03. The Commission finds that Essex has met the legal requirements established for the granting of an amended certificate of authority. Essex has, in accordance with SDCL 49-31-3 and 49-31-71, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota.

The Commission approves Essex's application for an amended certificate of authority, subject to rural safeguards, and subject to the condition that Essex not offer a

prepaid calling card or require deposits or advance payments without prior approval of the Commission. The amended certificate of authority for Essex shall authorize it to offer local exchange services in South Dakota, except in those areas served by a rural telephone company. It is therefore

ORDERED, that Essex's application for an amended certificate of authority to provide interexchange telecommunications services and local exchange services is granted, subject to the removal of the condition of a surety bond, and subject to the condition that Essex not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission; and it is

FURTHER ORDERED, that the Commission shall authorize Essex to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company.

Dated at Pierre, South Dakota, this 26th day of July, 2002

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>Melaine Kaebo</u>
Date: <u>8/1/02</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Robert K. Sahr
ROBERT K. SAHR, Commissioner

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

AMENDED CERTIFICATE OF AUTHORITY

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

Authority was Granted as of the date of the
Original Order Granting Certificate of Authority
Docket No. TC02-063

This is to certify that

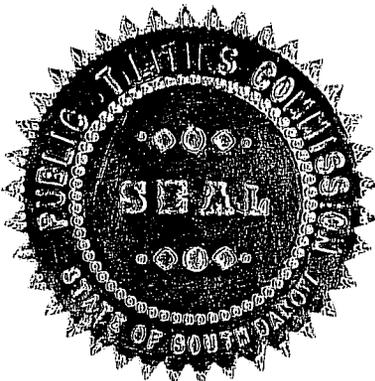
ESSEX COMMUNICATIONS, INC. D/B/A ELEC COMMUNICATIONS

is authorized to provide interexchange telecommunications services,
including local exchange services in nonrural areas in South Dakota,
subject to the condition that it not offer a prepaid calling card or require
or accept deposits or advance payments without prior approval of the
Commission.

This certificate is issued in accordance with SDCL 49-31-3 and 49-31-69
and ARSD 20:10:24:02 and 20:10:32:03, 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 26th day of July, 2002.

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION:



James A. Burg

JAMES A. BURG, Chairman

Pam Nelson

PAM NELSON, Commissioner

Robert K. Sahr

ROBERT K. SAHR, Commissioner