

KC/KS

In the Matter of _____

IN THE MATTER OF THE FILING BY
 BLACKSTONE COMMUNICATIONS
 COMPANY FOR APPROVAL OF
 RELIEF OF CERTIFICATION
 REQUIREMENT TO POST SURETY
 BOND

Public Utilities Commission of the State of South Dakota

DATE	MEMORANDA
7/8 03	<i>Filed and Docketed;</i>
7/10 03	<i>Weekly Filing;</i>
8/26 03	<i>Letter Requesting Withdrawal of Filing;</i>
9/5 03	<i>Order Granting Amended C&A;</i>
9/5 03	<i>Docket Closed.</i>

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NEW JERSEY CENTER

808 Summit Avenue
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Pam Bonrud
Executive Director
Public Utilities Commission
500 E. Capitol
Pierre, SD. 57501

07/02/2003

RECEIVED

JUL 08 2003

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Re: Blackstone Communications Company Bond Cancellation

Dear Ms. Bonrud,

Please amend our Certificate of Authority to remove the bond requirement.

Blackstone has not begun doing business in the State of South Dakota and we agree not to offer a prepaid calling card or require or accept deposits or advance payments without prior approval of the commission.

Thank you in advance for your consideration.

Sincerely,



Michael D. Acton
G.M. Blackstone

South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of July 3, 2003 through July 9, 2003

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

CONSUMER COMPLAINTS

CT03-101 **In the Matter of the Complaint filed by Bernie Quaschnick, Mobridge, South Dakota, against S&S Communications/Alterna-Cell Regarding Loss of Long Distance Services.**

Complainant states that he purchased a three year contract on May 21, 2001, and that service was terminated without notice in early June 2003. Complainant seeks to be reimbursed for the pre-paid service not provided.

Staff Analyst: Jim Mehlhaff
Staff Attorney: Kelly Frazier
Date Docketed: 07/03/03
Intervention deadline: N/A

CT03-102 **In the Matter of the Complaint filed by Delton Hitchcock, Conde, South Dakota, against S&S Communications/Alterna-Cell Regarding Loss of Long Distance Services.**

Complainant states that he purchased a seven year contract on September 27, 1999, and that service was terminated without notice in early June 2003. Complainant seeks to be reimbursed from the bond or letter of credit for the pre-paid service not provided.

Staff Analyst: Jim Mehlhaff
Staff Attorney: Kelly Frazier
Date Docketed: 07/03/03
Intervention deadline: N/A

CT03-103 **In the Matter of the Complaint filed by Victor H. Paltz on behalf of First National Bank South Dakota, Yankton, South Dakota, against S&S Communications/Alterna-Cell Regarding Loss of Long Distance Services.**

Complainant's representative states that a three year pre-paid long distance service plan was purchased on November 29, 2003. Service was not fully established until April 19, 2003, and service was terminated without notice beginning on June 3, 2003. All service was terminated within a few days of June 3, 2003. Complainant seeks to be reimbursed for the pre-paid service not provided, plus the costs of re-establishing service with another provider and the difference in costs between the Respondent's contractual service versus what the Complainant will pay for replacement service.

Staff Analyst: Jim Mehlhaff
Staff Attorney: Kelly Frazier
Date Docketed: 07/03/03
Intervention deadline: N/A

CT03-104 **In the Matter of the Complaint filed by Brian Brockel, Selby, South Dakota, against S&S Communications/Alterna-Cell Regarding Loss of Long Distance Services.**

Complainant states that he purchased a ten year pre-paid long distance service plan. Service was terminated without notice in June of 2003, after approximately four years of service. Complainant seeks to be reimbursed for the pre-paid service not provided or to have service restored for the balance of the contract.

Staff Analyst: Jim Mehlhaff
Staff Attorney: Kelly Frazier
Date Docketed: 07/03/03
Intervention deadline: N/A

CT03-105 In the Matter of the Complaint filed by Sherry Badger, Pierre, South Dakota, against S&S Communications/Alterna-Cell Regarding Loss of Long Distance Services.

Complainant states that she purchased a ten year pre-paid long distance service plan on March 3, 1999. The contract was financed for 36 months. Service was terminated without notice in June of 2003, with six years of service remaining on the contract. Complainant seeks to have her money refunded or to have her phone bill paid by the Respondent for the next six years.

Staff Analyst: Jim Mehlhaff
Staff Attorney: Kelly Frazier
Date Docketed: 07/03/03
Intervention deadline: N/A

CT03-106 In the Matter of the Complaint filed by Todd and Bill Wagner, St. Lawrence, South Dakota, against S&S Communications/Alterna-Cell Regarding Loss of Long Distance Services.

Complainants represent that they purchased two six year pre-paid long distance service plans. The contracts are financed for 48 months with payments starting on September 24, 2001. On June 4, 2003, service was terminated without notice. Complainants seek to be reimbursed for the pre-paid service not provided.

Staff Analyst: Jim Mehlhaff
Staff Attorney: Kelly Frazier
Date Docketed: 07/03/03
Intervention deadline: N/A

TELECOMMUNICATIONS

TC03-109 In the Matter of the Application of Motion Telecom, Inc. for a Certificate of Authority to Provide Interexchange Telecommunications Services in South Dakota.

Motion Telecom, Inc. has filed an application for a Certificate of Authority to provide interexchange telecommunications services in South Dakota. The applicant intends to provide resold interexchange services, including prepaid calling card services to residential and commercial customers in South Dakota for their direct transmissions and reception of voice, data and other types of telecommunications.

Staff Analyst: Bonnie Bjork
Staff Attorney: Karen Cremer
Date Docketed: 07/07/03
Intervention Deadline: 07/25/03

TC03-110 In the Matter of the Filing by Blackstone Communications Company for Approval of Relief of Certification Requirement to Post Surety Bond.

In an Order dated June 22, 1999, the Commission granted Blackstone Communications Company authority to provide interexchange telecommunications services in South Dakota, subject to a continuous \$25,000 surety bond. On July 8, 2003, the Commission received a filing from Blackstone requesting relief from the Commission's bond requirement.

Staff Analyst: Keith Senger

Staff Attorney: Karen Cremer

Date Docketed: 07/08/03

Intervention Deadline: 07/25/03

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BLACKSTONE®

A Name You Can Trust

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To: South Dakota Public Utilities Division

08/26/2003

Re: Blackstone Communications Company #

Please accept this request to withdraw our filing and close the docket #TC03-110.

We will be re-filing at a later date.

Thank you for your consideration,



Michael D. Acton
President, Blackstone

for 305-592-9672

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

IN THE MATTER OF THE FILING BY)	ORDER GRANTING
BLACKSTONE COMMUNICATIONS COMPANY)	AMENDED CERTIFICATE OF
FOR APPROVAL OF RELIEF OF)	AUTHORITY
CERTIFICATION REQUIREMENT TO POST)	
SURETY BOND)	TC03-110

On April 7, 1999, 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 Blackstone Communications Company (Blackstone).

Blackstone sought to provide 1+ and 101XXXX direct outbound dialing, 800/888 toll-free inbound dialing, travel card and prepaid calling card service.

On April 8, 1999, the Commission electronically transmitted notice of the filing and the intervention deadline of April 23, 1999, to interested individuals and entities. No petitions to intervene or comments were filed and at its June 8, 1999, meeting, the Commission granted Blackstone's request for a certificate of authority, subject to a continuous surety bond and a waiver of ARSD 20:10:24:02(8).

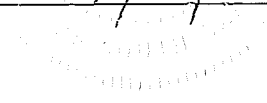
On June 30, 2003, the Commission received notice that Indemnity Insurance Company of North America would cancel Bond No. K05070235 on July 31, 2003. On July 8, 2003, Blackstone filed for bond relief. Blackstone requested that the requirement to post a continuous \$25,000 bond be removed and agreed to restrictions on its certificate of authority from offering prepaid services and collecting customer deposits and advanced payments.

At its regularly scheduled September 2, 2003, meeting, Staff recommended that the Commission reconsider the terms and conditions of Blackstone'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 Blackstone not offer a prepaid calling card or require or accept 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 ARSD 20:10:24:02 and 20:10:24:03. The Commission finds that Blackstone has met the legal requirements established for the granting of an amended certificate of authority. Blackstone 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 Blackstone's application for an amended certificate of authority, subject to the condition that Blackstone not offer a prepaid calling card or require or accept deposits or advance payments without prior approval of the Commission. As the Commission's final decision in this matter, It is therefore

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

Dated at Pierre, South Dakota, this 5th day of September, 2003

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><i>Melaine Kaelo</i></u>
Date:	<u>9/5/03</u>
 (OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman *JS*

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, 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. TC03-110

This is to certify that

BLACKSTONE COMMUNICATIONS COMPANY

is authorized to provide interexchange telecommunications services 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 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 5th day of September, 2003.

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION:**



Robert K. Sahr
ROBERT K. SAHR, Chairman *JS*

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner