BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION OF ECLIPSE COMMUNICATIONS CORPORATION FOR A CERTIFICATE OF AUTHORITY TO PROVIDE TELECOMMUNICATIONS SERVICES, INCLUDING LOCAL EXCHANGE SERVICES, IN SOUTH DAKOTA	)	ORDER GRANTING CERTIFICATE OF AUTHORITY TC97-196

On December 19, 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 Eclipse Communications Corporation (Eclipse).

Eclipse seeks authority to provide a full range of interexchange services, including MTS, toll free 800/888, calling card, debit card and operator-assisted services. Applicant also seeks authority to provide resold and facilities-based local exchange services to consumers on a statewide basis. Eclipse may also offer local services by utilizing the switching and transport capacity of other existing telecommunications providers pursuant to negotiated or tariffed arrangements. Eclipse proposes to provide service to all exchanges currently served by U S WEST. Eclipse requested a waiver of ARSD 20:10:24:02(8) and (12). A proposed tariff was filed by Eclipse. The Commission has classified long distance service as fully competitive.

On December 23, 1997, the Commission electronically transmitted notice of the filing and the intervention deadline of January 9, 1998, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled May 28, 1998, meeting, the Commission considered Eclipse's request for a certificate of authority. Commission Staff recommended granting Eclipse a certificate of authority, subject to rural safeguards, and subject to the condition that Eclipse not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission. Commission Staff further recommended a waiver of 20:10:24:02(8) and (12).

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 Eclipse has met the legal requirements established for the granting of a certificate of authority. Eclipse has, in accordance with SDCL 49-31-1, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota. Further, the Commission finds that there is good cause to waive subparagraphs (8) and (12) of ARSD 20:10:24:02.

The Commission approves Eclipse's application for a certificate of authority, subject to rural safeguards, and subject to the condition that Eclipse not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission. The certificate of authority for Eclipse shall authorize it to offer local exchange services in those areas in South Dakota where U S WEST Communications, Inc. is the incumbent

local exchange carrier. In the future, should Eclipse choose to provide local exchange services statewide, with respect to rural telephone companies, Eclipse will have to come before the Commission in another proceeding before being able to provide local service in that rural service area pursuant to 47 U.S.C. § 253(f) which allows the Commission to require a company that seeks to provide service in a rural service area to meet the requirements in 47 U.S.C. § 214(e)(1) for designation as an eligible telecommunications carrier. In addition, the granting of statewide certification will not affect the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f). It is therefore

ORDERED, that Eclipse's application for a Certificate of Authority to provide telecommunications services, including local exchange services, is granted, subject to the condition that Eclipse not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission; and it is

FURTHER ORDERED, that Eclipse shall file informational copies of tariff changes with the Commission as the changes occur; and it is

FURTHER ORDERED, that the Commission shall authorize Eclipse to offer its services in those areas in South Dakota where U S WEST Communications, Inc. is the incumbent local exchange carrier; and it is

FURTHER ORDERED, that the Commission finds good cause to waive subparagraphs (8) and (12) of ARSD 20:10:24:02.

Dated at Pierre, South Dakota, this 5th day of June, 1998.

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: Delaine Kolbo

Date: 6/8/98

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg

JAMES A. BURG, Chairman

Pam Nelson

PAM NELSON, Commissioner

Laska Schoenfelder

LASKA SCHOENFELDER, Commissioner