

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION FOR) TRANSFER OF CERTIFICATE OF AUTHORITY) FROM MIDCOM COMMUNICATIONS, INC. TO) WINSTAR WIRELESS, INC.))	ORDER GRANTING TRANSFER OF CERTIFICATE OF AUTHORITY TC99-001
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On December 31, 1998, the Public Utilities Commission (Commission), in accordance with SDCL 49-31-3 and ARSD 20:10:24:04.01 and 20:10:24:04.02, received an application for the transfer of a certificate of authority from MIDCOM Communications, Inc.(MIDCOM), to WinStar Wireless, Inc.(WinStar).

MIDCOM filed for voluntary Chapter 11 bankruptcy and as a result of those proceedings, the assets of MIDCOM used in the conduct of its business were transferred to WinStar's wholly owned subsidiary, WinStar MIDCOM Acquisition Corp. Simultaneously, MIDCOM's physical assets were transferred to WinStar Wireless (WinStar). MIDCOM's customers will be served by WinStar.

On January 7, 1999, the Commission electronically transmitted notice of the filing and the intervention deadline of January 22, 1999, to interested individuals and entities. No petitions to intervene or comments were filed and at its May 12, 1999, meeting, the Commission considered WinStar's request for transfer of a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to WinStar furnishing the Commission with a surety bond.

The Commission finds that it has jurisdiction over this matter pursuant to Chapter 49-31, specifically 49-31-3 and ARSD 20:10:24:04.01 and 20:10:24:04.02. The Commission finds that WinStar has met the legal requirements established for the granting of a certificate of authority. WinStar 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 WinStar's application for a certificate of authority, subject to WinStar furnishing the Commission with a \$25,000 surety bond. As the Commission's final decision in this matter, it is therefore

ORDERED, that WinStar's application for transfer of a certificate of authority from MIDCOM is hereby granted, subject to WinStar furnishing the Commission with a \$25,000 surety bond. It is

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

Dated at Pierre, South Dakota, this 18th day of May, 1999.

CERTIFICATE OF SERVICE

BY ORDER OF THE COMMISSION:

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: _____

Date: _____

(OFFICIAL SEAL)

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

LASKA SCHOENFELDER,

Commissioner