

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

IN THE MATTER OF THE APPLICATION OF) DSLNET COMMUNICATIONS, LLC FOR A) CERTIFICATE OF AUTHORITY TO PROVIDE) TELECOMMUNICATIONS SERVICES,) INCLUDING LOCAL EXCHANGE SERVICES, IN) SOUTH DAKOTA))	ORDER GRANTING CERTIFICATE OF AUTHORITY TC99-045
--	---

On April 21, 1999, the Public Utilities Commission (Commission) received an application for a certificate of authority from DSLnet Communications, LLC (DSLnet).

DSLnet intends to provide resold and facilities-based local exchange and interexchange services to subscribers in U S WEST exchanges. Initially DSLnet only intends to provide data transmission services. A proposed tariff was filed by DSLnet.

On April 23, 1999, the Commission electronically transmitted notice of the filing and the intervention deadline of May 7, 1999, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled July 13, 1999, meeting, the Commission considered DSLnet's request for a certificate of authority. Commission Staff recommended granting a certificate of authority as DSLnet had furnished the Commission with a surety bond, subject to rural safeguards.

The Commission finds that it has jurisdiction over this matter pursuant to 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 DSLnet has met the legal requirements established for the granting of a certificate of authority. DSLnet 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 DSLnet's application for a certificate of authority, subject to rural safeguards. The certificate of authority for DSLnet 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 DSLnet choose to provide local exchange services statewide, with respect to rural telephone companies, DSLnet 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 DSLnet's application for a certificate of authority to provide telecommunications services, including local exchange services, is granted; and it is

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

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

Dated at Pierre, South Dakota, this 16th day of July, 1999.

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>Delaine Kaabo</u>
Date:	<u>7/19/99</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner