

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

IN THE MATTER OF THE APPLICATION OF) BAK COMMUNICATIONS, LLC FOR A) CERTIFICATE OF AUTHORITY TO PROVIDE) INTEREXCHANGE TELECOMMUNICATIONS) SERVICES IN SOUTH DAKOTA)		ORDER GRANTING AMENDED CERTIFICATE OF AUTHORITY TC01-163
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On October 24, 2001, 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 BAK Communications, LLC (BAK).

BAK sought authority to provide interexchange telecommunications services throughout South Dakota. A proposed tariff was filed by BAK. The Commission has classified long distance service as fully competitive.

On October 25, 2001, the Commission electronically transmitted notice of the filing and the intervention deadline of November 9, 2001, to interested individuals and entities. No petitions to intervene or comments were filed and at its January 24, 2002, meeting, the Commission considered BAK's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to the condition that BAK not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission, and a waiver of ARSD 20:10:24:02(8).

On June 14, 2002, the Commission received a \$25,000 surety bond from BAK and was notified that BAK wished to provide prepaid calling card services. BAK requested that it be permitted to post a \$25,000 surety bond and that the restrictions be removed from its certificate of authority.

At its regularly scheduled July 23, 2002, meeting, Staff recommended that the Commission reconsider the terms and conditions of BAK's certificate of authority to permit BAK to post a continuous \$25,000 surety bond and remove the restriction that BAK 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 ARSD 20:10:24:02 and 20:10:24:03. The Commission finds that BAK has met the legal requirements established for the granting of an amended certificate of authority. BAK 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 BAK's application for an amended certificate of authority, subject to a continuous \$25,000 surety bond, it is therefore

ORDERED, that BAK's application for an amended certificate of authority to provide interexchange telecommunications services is hereby granted, subject to a continuous \$25,000 surety bond.

Dated at Pierre, South Dakota, this 7th day of August, 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 first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u>Melaine Kalbo</u>
Date:	<u>8/8/02</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 *by dk*