

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

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| IN THE MATTER OF THE APPLICATION OF) | ORDER GRANTING |
| U S LEC COMMUNICATIONS INC FOR A) | CERTIFICATE OF |
| CERTIFICATE OF AUTHORITY TO PROVIDE) | AUTHORITY |
| INTEREXCHANGE TELECOMMUNICATIONS) | |
| SERVICES IN SOUTH DAKOTA) | TC03-081 |

On May 7, 2003, 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 US LEC Communications Inc. (US LEC).

US LEC proposes to offer long distance MTS, toll free, directory assistance and calling card service. A proposed tariff was filed by US LEC. The Commission has classified long distance service as fully competitive.

On May 8, 2003, the Commission electronically transmitted notice of the filing and the intervention deadline of May 23, 2003, to interested individuals and entities. No petitions to intervene or comments were filed and at its June 17, 2003, meeting, the Commission considered US LEC's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to the condition that U S LEC 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 US LEC has met the legal requirements established for the granting of a certificate of authority. US LEC 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 US LEC's application for a certificate of authority, subject to the condition that U S LEC 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 US LEC's application for a certificate of authority to provide interexchange telecommunications services is hereby granted, effective July 7, 2003, subject to the condition that U S LEC not offer a prepaid calling card or require or accept deposits or advance payments without prior approval of the Commission. It is

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

Dated at Pierre, South Dakota, this 26th day of June, 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 first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: Delaine Kalbo

Date: 6/26/03

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner