

**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)
LOCAL EXCHANGE SERVICES IN SOUTH)
DAKOTA)

ORDER DENYING
CERTIFICATE OF
AUTHORITY

TC03-094

On June 12, 2003, the Public Utilities Commission (Commission), in accordance with SDCL 49-3, specifically 49-31-69 and ARSD 20:10:32:03, received an application for a certificate of authority from BAK Communications, LLC (BAK).

BAK proposes to provide local exchange services throughout South Dakota.

On June 19, 2003, the Commission electronically transmitted notice of the filing and the intervention deadline of July 7, 2003, to interested individuals and entities. At its regularly scheduled October 16, 2003, meeting, the Commission considered BAK's request for a certificate of authority. Commission Staff recommended denying the certificate of authority and closing the docket as BAK had filed an incomplete application and failed to adequately provide information required by Staff.

The Commission finds that it has jurisdiction over this matter pursuant to Chapter 49-31, specifically 49-31-69 and ARSD 20:10:32:03. The Commission finds that BAK has not met the legal requirements established for the granting of a certificate of authority. BAK has not, in accordance with SDCL 49-31-69, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota. Pursuant to ARSD 20:10:32:06 the Commission voted to deny BAK's application for a certificate of authority. As the Commission's final decision in this matter, it is therefore

ORDERED, that BAK's application for a certificate of authority is hereby denied.

Dated at Pierre, South Dakota, this 28th day of October, 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: <u>Aldine Kalbo</u>
Date: <u>10/29/03</u>
(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