

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

<b>IN THE MATTER OF THE FILING FOR ) APPROVAL OF TRANSFER OF CERTIFICATE ) OF AUTHORITY FROM LIGHTYEAR ) COMMUNICATIONS, INC. TO LIGHTYEAR ) NETWORK SOLUTIONS, LLC )</b>	<b>ORDER GRANTING TRANSFER OF CERTIFICATE OF AUTHORITY  TC03-200</b>
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On December 15, 2003, 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 Lightyear Communications, Inc. (Lightyear Communications), to Lightyear Network Solutions, LLC (Lightyear Network).

Lightyear Network proposes to offer interexchange telecommunications services in South Dakota.

On December 18, 2003, the Commission electronically transmitted notice of the filing and the intervention deadline of January 2, 2004, to interested individuals and entities. No petitions to intervene or comments were filed and at its February 17, 2004, meeting, the Commission considered the request for transfer of certificate of authority. Commission Staff recommended transferring the certificate of authority from Lightyear Communications to Lightyear Network, subject to the condition that Lightyear Network not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments without prior approval of the Commission. Commission Staff further recommended a waiver of ARSD 20:10:24:02(8).

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 Lightyear Network has met the legal requirements established for the granting of a certificate of authority. Lightyear Network has, in accordance with SDCL 49-31-3, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota. Further, the Commission finds that there is good cause to waive ARSD 20:10:24:02(8). The Commission approves the application for transfer of certificate of authority from Lightyear Communications to Lightyear Network, subject to the condition that Lightyear Network not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments without prior approval of the Commission. As the Commission's final decision in this matter, it is therefore

ORDERED, that the application for transfer of certificate of authority from Lightyear Communications to Lightyear Network is hereby granted, subject to the condition that Lightyear Network not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments without prior approval of the Commission. It is

FURTHER ORDERED, that the Commission waives ARSD 20:10:24:02(8). It is

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

Dated at Pierre, South Dakota, this 25<sup>th</sup> day of February, 2004.

<b>CERTIFICATE OF SERVICE</b>
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><i>Alaine Kalbo</i></u>
Date: <u><i>2/27/04</i></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