

TC00-124

In the Matter of _____

IN THE MATTER OF THE FILING FOR
APPROVAL OF TRANSFER OF
CERTIFICATE OF AUTHORITY FROM
QUINTELCO, INC. TO LOCAL TELCOM
HOLDINGS, LLC. D/B/A TRANPOINT
COMMUNICATIONS

Public Utilities Commission of the State of South Dakota

DATE	MEMORANDA
8/15 00	Received Filing;
8/16 00	Received Check and Docketed;
8/17 00	Weekly Filing;
11/27 00	Letter Requesting Withdrawal of Application;
12/7 00	Order Permitting Withdrawal of Request to Transfer Case and Case Closed
12/7 00	Docket Closed



TELECOM CERTIFICATION & FILING, INC.

485 MADISON AVENUE
NEW YORK, NEW YORK 10022-5803

TEL (212) 546-9090

FAX (212) 753-8101

e-mail: dklein@telfile.com

RECEIVED

AUG 15 2000

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

August 14, 2000

VIA FEDERAL EXPRESS

Ms. Tammi Stangohr
South Dakota Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, SD 57501-5070

Re: Quintelco, Inc.

Dear Ms. Stangohr:

Quintelco, Inc. (hereinafter "Quintelco" or "Seller") and Local Telecom Holdings, LLC, d/b/a Transpoint Communications (hereinafter "Transpoint Communications") by and through their representative, Telecom Certification and Filing, Inc., hereby request that the South Dakota Public Utilities Commission (hereinafter "Commission") approve the transfer of control of the local exchange and interexchange telecommunications licenses held by Quintelco, as granted by the Commission on April 6, 1998 in Docket No. TC-97-104, to Transpoint Communications. As of April 20, 2000, the telecommunications licence assets of Quintelco were sold to Transpoint Communications, and previous to that date, Quintelco was not operational in the State of South Dakota.



TELECOM CERTIFICATION & FILING, INC.

Ms. Tammi Stangohr
South Dakota Public Utilities Commission
August 14, 2000
Page 2

In furtherance of the requested transfer, the parties provide the following information:

I. THE PARTIES

A. Quintelco, Inc.¹

Quintelco, a wholly owned subsidiary of Quintel Communications, Inc., was incorporated under the laws of the State of Delaware, with principal business offices located at One Blue Hill Plaza, Pearl River, New York 10965. Quintelco is licensed as a non-facilities based carrier and reseller of local exchange and interexchange telecommunications services in the State of South Dakota. Quintelco was granted a Certificate of Public Convenience and Necessity by the Commission on April 6, 1998, in Docket No. TC-97-104. Quintelco is not presently providing services in the State of South Dakota. Quintelco is certified to provide telecommunications services in 42 other states of the Union. In addition, Quintelco is authorized to provide interstate service and licensed to provide international telecommunications services pursuant to the authority granted to it by the Federal Communications Commission ("FCC"). A copy of Quintelco's grant of 214 authority as issued by the FCC, is attached hereto as Exhibit 1.

B. Transpoint Communications

Transpoint Communications is a Delaware State Limited Liability Company with its principal business offices located, c/o Telecom Certification & Filing, Inc., at 485 Madison Avenue, 15th Floor, New York, New York 10022. One copy of the Articles of Formation of Transpoint Communications are attached hereto as Exhibit 2.

II. REQUEST FOR APPROVAL OF TRANSFER OF CONTROL

To accomplish this transfer of control, Quintelco's Certificate of Public Convenience and Necessity will be transferred from Quintelco to Transpoint Communications, so that Transpoint Communications will become the owner of the subject licenses and will have the authority to provide resold telecommunications services in the State of South Dakota.

Quintelco will continue to operate in the State of South Dakota under its own name providing affordable unregulated voicemail services to the public. As such, the proposed transaction will not in any way disrupt service nor cause inconvenience or confusion to the customers of Quintelco.


¹ Further information related to Quintelco is contained in its Application as filed on June 19, 1997.



The proposed transfer of control will have no adverse impact on consumers in the State of South Dakota as Quintelco presently has no customers and is not offering service to the public. The transfer of control will further the public interest by providing for new ownership that plans to offer competitive local exchange and interexchange telecommunications services to the citizens of the State.

Should you have any questions or require additional information, please contact me at your convenience.

Respectfully submitted,


David O. Klein

David O. Klein

EXHIBIT 1



Federal Communications Commission

INTERNATIONAL BUREAU
FCC SELECTED APPLICATION LISTING BY FILE NUMBER
REPORT WR07 - Fri Jul 21 15:42:51 US/Eastern 2000

File Number = ITC2141998072700518;

File Number: ITC-214-19980727-00518

Callsign: None

Streamlined: Y

Environmental Impact: None

Status: Action Taken Public Notice

Status Date: 09/10/1998

Last Action: Grant of Authority

Grant Date: 09/09/1998

Old File Number: ITC-98-569

Service Type: Global Resale Service

Accepted For Filing PN Date: 08/05/1998

Action Taken PN Date: 09/10/1998

Term Begin Date: None

Term End Date: None

Date Filed: 07/27/1998

Date Last Updated: 09/09/1998

Last Action Date: 09/09/1998

Site Information

Applicant:

QUINTELCO, INC.

1 Blue Hill Plaza

PEARL RIVER, NY 10965 USA

Contact: None

KLEIN, ZELMAN, ROTHERMEL &
DICHTER, L.L.P.

485 MADISON AVENUE

15th FLOOR

NEW YORK, NY 10022 USA

Description: Application for authority to provide service in accordance with the provisions of Section 63.18(e)(2) of the rules.

[International Telecommunications](#) | [Satellite Earth Stations](#) | [Satellite Space Stations](#) |
[International HF Broadcast Stations and Public Fixed Radio Stations](#) | [General Reports and Query Tool](#) |
[International Bureau Homepage](#) | [IBFS Reports Homepage](#)

EXHIBIT 2

STATE OF DELAWARE
LIMITED LIABILITY COMPANY
CERTIFICATE OF FORMATION

- * **First:** The name of the limited liability company is Local Telcom Holdings, LLC.
- * **Second:** The address of its registered office in the State of Delaware is 1013 Centre Road in the City of Wilmington.

The name of its registered agent at such address is Corporation Service Company.

- * **Third:** The purpose for which this limited liability company is organized is to engage in any activity within the purpose for which limited liability companies may be organized the State of Delaware, and all such activities shall by such statement be deemed within the purpose of the limited liability company, subject to expressed limitations, if any.

In Witness Whereof, the undersigned have executed this Certificate of Formation of Local Telecom Holdings, LLC this 6th day of April, 2000.

BY:

Authorized Person

NAME: Joel Dichter, Esq.

Type or Print: _____



TELECOM CERTIFICATION & FILING, INC.
485 MADISON AVENUE
NEW YORK, NEW YORK 10022-5803
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AUG 16 2000

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

August 15, 2000

VIA FEDERAL EXPRESS

Ms. Delaine Kolbo
South Dakota Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, SD 57501-5070

Re: Quintelco, Inc.

Dear Ms. Kolbo:

Enclosed please find a copy of my correspondence dated August 14, 2000 and check no. 00007879 in the amount of Two Hundred Fifty dollars (\$250.00) that was inadvertently left out to cover the filing fee for a Transfer of Certificate of Public Convenience and Necessity from Quintelco, Inc. to Local Telcom Holdings, LLC d/b/a Transpoint Communications, to provide facilities based local exchange and interexchange carrier telecommunications services in the State of South Dakota.

At your earliest convenience, please date stamp and return the copy of this cover letter to me in the enclosed postage prepaid self-addressed envelope.

Should you have any questions, or require additional information, please contact me at your convenience.

Sincerely,

David O. Klein

Enc.

g/2352/38110

00038110;1

SDPUC

00007879

08/15/00

South Dakota Public Util. Comm

TC00-124

*****\$250.00

KLEIN, ZELMAN, ROTHERMEL & DICHTER, LLP
GENERAL ACCOUNT
485 MADISON AVENUE
NEW YORK, NEW YORK 10022

STERLING NATIONAL BANK
& TRUST CO. OF NEW YORK
425 PARK AVENUE
NEW YORK, NEW YORK 10022
1-777/260

7879

00007879

PAY ▶

TWO HUNDRED FIFTY AND XX / 100 Dollars

▼ DATE

▼ AMOUNT

TO THE
ORDER
OF ▶

South Dakota Public Util. Comm

08/15/00

*****\$250.00


Authorized Signature

⑈007879⑈ ⑆026007773⑆ 03 149978⑈01

South Dakota Public Utilities Commission

WEEKLY FILINGS

For the Period of August 10, 2000 through August 16, 2000

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five business days of this filing. Phone: 605-773-3705 Fax: 605-773-3809

NATURAL GAS

NG00-006 In the Matter of the Filing by MidAmerican Energy Company for Approval of Tariff Revisions.

MidAmerican Energy filed an application for approval of a revision to its South Dakota Gas Sales Tariff, SD PUC Section VI, Third Revised Sheet No 3. cancels SD PUC Section VI, Second Revised Sheet No. 3. The revision proposes to update the back of its standard bill form, Sheet No. 3. MidAmerican proposes an effective date of September 12, 2000.

Staff Analyst: Michele Farris
Staff Attorney: Karen Cremer
Date Docketed: 08/10/00
Intervention Deadline: 09/01/00

TELECOMMUNICATIONS

TC00-122 In the Matter of the Application of Cybertel, Communications Corp. for a Certificate of Authority to Provide Telecommunications Services in South Dakota.

Cybertel, Communications Corp. is seeking a Certificate of Authority to provide resold interexchange telecommunication services in South Dakota. The applicant intends to offer message toll service, incoming 800/888, and travel card services.

Staff Analyst: Heather Forney
Date Docketed: 08/11/00
Intervention Deadline: 09/01/00

TC00-123 In the Matter of the Application of WorkNet Communications, Inc. for a Certificate of Authority to Provide Telecommunications Services in South Dakota.

WorkNet Communications, Inc. is seeking a Certificate of Authority to provide resold and facilities based interexchange and local exchange telecommunication services in South Dakota. The applicant intends to provide high speed data communications using facilities based fixed wireless point to multi-point broadband data communications network as well as leased local and long distance telephone facilities. The applicant's target market is small and medium-sized businesses.

Staff Analyst: Keith Senger
Date Docketed: 8/16/00
Intervention Deadline: 9/01/00

TC00-124 In the Matter of the Filing for Approval of Transfer of Certificate of
Authority from Quintelco, Inc. to Local Telecom Holdings, LLC, d/b/a
Transpoint Communications.

Quintelco, Inc. is requesting that its Certificate of Authority to provide local exchange and
interexchange telecommunications services in South Dakota be transferred to Local Telecom
Holdings, LLC, d/b/a Transpoint Communications (Transpoint). As of August 1, 2000,
telecommunications license assets of Quintelco were sold to Transpoint.

Staff Analyst: Heather Forney
Date Docketed: 08/16/00
Intervention Deadline: 09/01/00

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TELECOM CERTIFICATION & FILING, INC.

465 MADISON AVENUE

NEW YORK, NEW YORK 10022-5803

TEL (212) 546-0000

FAX (212) 753-8101

e-mail: dklein@tefile.com

November 20, 2000

VIA E-MAIL and FIRST CLASS MAIL

Ms. Heather K. Forney

Utility Analyst

State Capitol Building

300 East Capitol Avenue

Pierre, South Dakota 57501-5070

RECEIVED

NOV 27 2000

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Re: TC00-124 - In the Matter of the Filing for Approval of
Transfer of Certificate of Authority from Quintelco, Inc.
to Local Telecom Holdings, LLC d/b/a Transpoint Communications

Dear Ms. Forney:

On behalf of the above-referenced Company, we hereby request that its Approval of
Transfer of Certificate in Docket #:TC00-124 be withdrawn without prejudice.

At your earliest convenience, please date stamp and return the copy of this letter to me in
the enclosed postage prepaid self-addressed envelope.

Should you have any questions, or require additional information, please do not hesitate
to contact me.

Sincerely,

Alice Rodriguez
Project Manager

Enclosure
11/20/00

00000000

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

IN THE MATTER OF THE FILING FOR
APPROVAL OF TRANSFER OF CERTIFICATE
OF AUTHORITY FROM QUINTELCO, INC. TO
LOCAL TELCOM HOLDINGS, LLC. D/B/A
TRANSPPOINT COMMUNICATIONS

) ORDER PERMITTING
) WITHDRAWAL OF
) REQUEST TO TRANSFER
) CERTIFICATE OF
) AUTHORITY AND CLOSING
) DOCKET
) TC00-124

On August 15, 2000, Quintelco, Inc. and Local Telcom Holdings, LLC d/b/a Transpoint Communications (Quintelco/Transpoint) filed a request with the Public Utilities Commission (Commission) for approval of transfer of certificate of authority from Quintelco, Inc. to Local Telcom Holdings, LLC. d/b/a Transpoint Communications.

On November 27, 2000, Quintelco/Transpoint requested that its request for transfer of certificate of authority be withdrawn.

At its regularly scheduled November 30, 2000, meeting, the Commission considered this matter. The Commission has jurisdiction over this matter pursuant to SDCL 49-31-3 and ARSD Chapter 20:10:24. The Commission found that Quintelco/Transpoint's request to withdraw its request for transfer of certificate of authority is reasonable and closed the docket. It is therefore

ORDERED, that Quintelco/Transpoint shall be permitted to withdraw its request for transfer of certificate of authority, and it is further

ORDERED, that this docket is closed.

Dated at Pierre, South Dakota, this 7th day of December, 2000.

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.	
<u>Julianne Kaelbo</u>	
<u>12/9/00</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