

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

IN THE MATTER OF THE APPLICATION OF)	AMENDED ORDER
@LINK NETWORKS, INC. FOR A)	GRANTING CERTIFICATE
CERTIFICATE OF AUTHORITY TO PROVIDE)	OF AUTHORITY
TELECOMMUNICATIONS SERVICES,)	
INCLUDING LOCAL EXCHANGE SERVICES, IN)	TC99-089
SOUTH DAKOTA)	

On August 27, 1999, the Public Utilities Commission (Commission) received an application for a certificate of authority from @link Networks, Inc. (@link).

@link proposes to offer all forms of facilities-based and resold telecommunications services, including both local exchange and interexchange telecommunications services. A proposed tariff was filed by @link.

On September 2, 1999, the Commission electronically transmitted notice of the filing and the intervention deadline of September 17, 1999, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled November 15, 1999, meeting, the Commission considered @link's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to rural safeguards, and subject to @link furnishing the Commission with a surety bond. Commission Staff further recommended a waiver of ARSD 20:10:32:03(8). On November 15, 1999, the Commission approved @link's application with staff's recommendations. On February 8, 2000, @link submitted a letter requesting that its certificate of authority be amended to remove requirement of the surety bond. @link stated that "it is currently providing xDSL services in the states of Wisconsin and Illinois and has determined through its experience in those states that the collection of customer deposits in South Dakota is unnecessary."

On February 15, 2000, at its regularly scheduled meeting, the Commission heard @link's request for an amended certificate of authority. Commission Staff recommended that @link be granted an amended certificate of authority, subject to the condition that @link not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission. Commission Staff further recommended a waiver of ARSD 20:10:32:03(8).

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3 and 49-31-69 and ARSD 20:10:24:02, 20:10:24:03 and 20:10:32:03. The Commission finds that @link has met the legal requirements established for the granting of an amended certificate of authority. Commissioner Schoenfelder dissenting. @link has, in accordance with SDCL 49-31-3 and 49-31-71, 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 subparagraph (8) of ARSD 20:10:32:03.

The Commission approves @link's application for an amended certificate of authority, subject to the condition that @link not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission and subject to rural safeguards. The amended certificate of authority for @link shall authorize it to offer local exchange services in those areas in South Dakota where U S WEST Communications, Inc. is the incumbent local exchange carrier. In the future, should @link choose to provide local exchange services statewide, with respect to rural telephone companies, @link will have to come before the Commission in another proceeding before being able to provide local service in that rural service area pursuant to 47 U.S.C. § 253(f) which allows the Commission to require a company that seeks to provide service in a rural service area to meet the requirements in 47 U.S.C. § 214(e)(1) for designation as an eligible telecommunications carrier. In addition, the granting of statewide certification will not affect the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f). It is therefore

ORDERED, that @link's application for an amended certificate of authority to provide telecommunications services, including local exchange services is granted, subject to the condition that @link not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission; and it is

FURTHER ORDERED, that @link shall file informational copies of tariff changes with the Commission as the changes occur; and it is

FURTHER ORDERED, that the Commission shall authorize @link to offer its local exchange services in those areas in South Dakota where U S WEST Communications, Inc. is the incumbent local exchange carrier; and it is

FURTHER ORDERED, that the Commission finds good cause to waive subparagraph (8) of ARSD 20:10:32:03.

Dated at Pierre, South Dakota, this 23rd day of February, 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.	
By:	<u><i>Delaine Koels</i></u>
Date:	<u>2/23/00</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

LASKA SCHOENFELDER, Commissioner
dissenting