

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

<b>IN THE MATTER OF THE APPLICATION OF )</b>	<b>ORDER GRANTING</b>
<b>RCN TELECOM SERVICES, INC. FOR A )</b>	<b>CERTIFICATE OF</b>
<b>CERTIFICATE OF AUTHORITY TO PROVIDE )</b>	<b>AUTHORITY</b>
<b>INTEREXCHANGE TELECOMMUNICATIONS )</b>	
<b>SERVICES IN SOUTH DAKOTA )</b>	<b>TC00-175</b>

On October 30, 2000, 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 RCN Telecom Services, Inc. (RCN TS).

RCN TS proposes to offer interexchange telecommunications services on a statewide basis. RCN TS in conjunction with RCN Long Distance Company (RCN LD) is requesting: (1) authority to merge RCN LD with and into RCN TS and to assign RCN LD's customers and operations to RCN TS, (2) cancellation of RCN LD's certificate of authority, and (3) issuance to RCN TS of a certificate of authority identical to those currently held by RCN LD. RCN TS will provide identical services, rates, terms, and conditions as are currently offered by RCN LD. A proposed tariff was filed by RCN TS. The Commission has classified long distance service as fully competitive.

On November 2, 2000, the Commission electronically transmitted notice of the filing and the intervention deadline of November 17, 2000, to interested individuals and entities. No petitions to intervene or comments were filed and at its February 6, 2001, meeting, the Commission considered RCN TS' request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to the condition that RCN TS 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 20:10:24:02(3)(c) and (8).

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 RCN TS has met the legal requirements established for the granting of a certificate of authority. RCN TS 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(3)(c) and (8). The Commission approves RCN TS' application for a certificate of authority, subject to the condition that RCN TS not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission. As the Commission's final decision in this matter, it is therefore

ORDERED, that RCN TS' application for a certificate of authority is hereby granted, subject to the condition that RCN TS not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission. It is

FURTHER ORDERED, that the Commission finds good cause to waive ARSD 20:10:24:02(3)(c) and (8). It is

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

Dated at Pierre, South Dakota, this 13<sup>th</sup> day of February, 2001.

<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 first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u>Alaine Kalbs</u>
Date:	<u>2/15/01</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner