

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

| | |
|-----------------------------------------------|-----------------------------|
| IN THE MATTER OF THE APPLICATION OF) | ORDER CLOSING DOCKET |
| EXCEL TELECOMMUNICATIONS, INC. FOR A) | |
| CERTIFICATE OF AUTHORITY TO PROVIDE) | TC02-015 |
| COMPETITIVE FACILITIES-BASED LOCAL) | |
| EXCHANGE SERVICES IN SOUTH DAKOTA) | |

On February 13, 2002, the Public Utilities Commission (Commission) received an application from Excel Telecommunications, Inc. (Excel) requesting an amendment to its certificate of authority to provide competitive facilities-based local exchange services in South Dakota. Excel was granted authority to provide local exchange services in South Dakota on December 17, 1996.

On February 14, 2002, the Commission electronically transmitted notice of the filing and the intervention deadline of March 1, 2002, to interested individuals and entities. No petitions to intervene or comments were filed.

At a regularly scheduled March 28, 2002, meeting, Commission Staff requested clarification from the Commission on the necessity for Excel to amend its current certificate of authority in order to provide facilities-based local exchange service. In the order from Docket TC96-099, the Commission granted Excel a certificate of authority to provide "local exchange services." The matter was deferred at that time.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-69 and ARSD 20:10:32:03.

At a regularly scheduled April 17, 2002, meeting, the Commission considered Excel's request for an amendment to its certificate of authority to provide competitive facilities-based local exchange services in South Dakota. The Commission voted unanimously that the final order and decision granting an amended certificate of authority in Docket TC96-099 granted Excel authority to provide local exchange service generally within the territory specified in the order. Excel's authority is limited only by specific conditions set forth in the final order and is not limited by the means in which Excel may provide service within its authorized territory. As a result, Excel is not required to obtain an amendment to its certificate of authority in order to provide local exchange service by means of resold service, unbundled network elements or its own facilities. It is therefore

ORDERED, that the docket shall be closed.

Dated at Pierre, South Dakota, this 19th day of April, 2002.

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: *William Kalbo*

Date: *4/23/02*

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Robert K. Sahr
ROBERT K. SAHR, Commissioner