

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

**IN THE MATTER OF THE FILING FOR) ORDER GRANTING
APPROVAL OF TRANSFER OF CERTIFICATE) TRANSFER OF CERTIFICATE
OF AUTHORITY FROM WINSTAR WIRELESS,) OF AUTHORITY
INC. TO WINSTAR COMMUNICATIONS, LLC) TC02-027**

On March 21, 2002, 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 Winstar Wireless, Inc. (Winstar Wireless), to Winstar Communications, LLC (Winstar Communications).

Winstar Communications proposes to provide intrastate interexchange telecommunications services to subscribers to and from all points in South Dakota.

On March 28, 2002, the Commission electronically transmitted notice of the filing and the intervention deadline of April 12, 2002, to interested individuals and entities. No petitions to intervene or comments were filed and at its May 9, 2002, meeting, the Commission considered the request for transfer of certificate of authority. Commission Staff recommended transferring the certificate of authority from Winstar Wireless to Winstar Communications, subject to a continuous \$25,000 surety bond. 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 Winstar Communications has met the legal requirements established for the granting of a certificate of authority. Winstar Communications 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 Winstar Wireless to Winstar Communications, subject to a continuous \$25,000 surety bond. As the Commission's final decision in this matter, it is therefore

ORDERED, that the application for transfer of certificate of authority from Winstar Wireless to Winstar Communications is hereby granted, effective May 21, 2002, subject to a continuous \$25,000 surety bond. It is

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

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

Dated at Pierre, South Dakota, this 16th day of May, 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: Melaine Kalbs

Date: 5/17/02

(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