

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

IN THE MATTER OF THE FILING BY WINSTAR)	ORDER GRANTING
COMMUNICATIONS, LLC FOR APPROVAL OF)	AMENDED CERTIFICATE OF
RELIEF OF CERTIFICATION REQUIREMENT)	AUTHORITY
TO POST SURETY BOND)	
)	TC03-062

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 sought 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 granted the request for transfer of certificate of authority, subject to a continuous \$25,000 surety bond.

On March 3, 2003, the Commission received notice that The Insurance Company of the State of Pennsylvania would cancel Bond No. 248231 on April 18, 2003. On March 26, 2003, Winstar Communications filed for bond relief. Winstar Communications requested that the requirement to post a continuous \$25,000 bond be removed and agreed to restrictions on its certificate of authority from offering prepaid services and collecting customer deposits and advanced payments.

At its regularly scheduled April 15, 2003, meeting, Staff recommended that the Commission reconsider the terms and conditions of Winstar Communications' certificate of authority to remove the requirement that the certificate of authority be subject to a continuous \$25,000 bond and impose a new restriction that Winstar Communications not offer a prepaid calling card or require or accept deposits or advance payments without prior approval of the Commission.

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 Winstar Communications has met the legal requirements established for the granting of an amended 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. The Commission approves Winstar Communications' application for an amended certificate of authority, subject to the condition that Winstar Communications not offer a

prepaid calling card or require or accept deposits or advance payments without prior approval of the Commission. As the Commission's final decision in this matter, It is therefore

ORDERED, that Winstar Communications' application for an amended certificate of authority to provide interexchange telecommunications services is granted, subject to the removal of the condition of a surety bond, and subject to the condition that Winstar Communications not offer a prepaid calling card or require or accept deposits or advance payments without prior approval of the Commission.

Dated at Pierre, South Dakota, this 24th day of April, 2003

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>Alaine Kolbo</u>
Date: <u>4/24/03</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr

ROBERT K. SAHR, Chairman

Gary Hanson

GARY HANSON, Commissioner

James A. Burg

JAMES A. BURG, Commissioner