

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

IN THE MATTER OF THE APPLICATION OF)
ATLAS EQUITY, INC., D/B/A PERFORMANCE)
TELECOM FOR A CERTIFICATE OF)
AUTHORITY TO PROVIDE)
TELECOMMUNICATIONS SERVICES IN)
SOUTH DAKOTA)

ORDER GRANTING
CERTIFICATE OF
AUTHORITY

TC97-168

On October 23, 1997, 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 Atlas Equity, Inc., d/b/a Performance Telecom (Atlas).

Atlas proposes to offer intra and interLATA interexchange telecommunications services as a reseller; Atlas does not own or operate any facilities in South Dakota. Services will also include inbound toll free service, phone cards and debit cards. A proposed tariff was filed by Atlas. The Commission has classified long distance service as fully competitive.

On October 30, 1997, the Commission electronically transmitted notice of the filing and the intervention deadline of November 14, 1997, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled December 18, 1997, meeting, the Commission considered Atlas' request for a certificate of authority. Commission Staff recommended granting a certificate of authority.

The Commission finds that it has jurisdiction over this matter pursuant to Chapter 49-31, specifically 49-31-3 and ARSD 20:10:24:02 and 20:10:24:03. The Commission finds that Atlas has met the legal requirements established for the granting of a certificate of authority. Atlas 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 Atlas' application for a certificate of authority. As the Commission's final decision in this matter, it is therefore

ORDERED, that Atlas' application for a certificate of authority is hereby granted. It is

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

Dated at Pierre, South Dakota, this 7th day of January, 1998.

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 first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u>Aldine Kalbo</u>
Date: <u>1/9/98</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner