

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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SERVICE DATE: JANUARY 6, 2004

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BAK Communications, LLC
444 South Flower Street
Suite 4188
Los Angeles, CA 90071

In the Matter of the Application of BAK Communications, LLC for a Certificate of Authority to Provide Local Exchange Services

The above entitled matter has been considered by the Commission and the following disposition made:

Approved the application for a conditional certificate of authority to provide facilities-based and resold local services in those exchanges currently being served by Sprint Minnesota and Qwest Corporation, which are currently located in the Minneapolis/St. Paul Metropolitan Calling Area and which are shown on the service area map filed on December 16, 2003;

Conditions to receive operational authority for facilities-based exchange services:

1. Commission approval of interconnection agreement

2. **Commission approval of 911 plan**
3. **Filing of revised tariff pages containing the revisions noted below;**

Granted a variance under Minn. Rules. pt. 7829.3200 to the notification requirements in Minn. Rules pt. 7812.0200, subpt. 6;

Approved the proposed local exchange tariff as filed on September 4, 2003, contingent upon filing of the following tariff revisions within 30 days of the date of this Order:

A. Revise tariff page 14, section 11.2 which allows for the disconnection of service on the billing due date if the bill is not paid by the due date. This section should be revised to comply with the notification requirements listed in Minn. Rules pt. 7810.1800 - 7810.2300. Minn. Rules pt. 7810.1900 allows immediate disconnection without notice for only three reasons: tempering with the utility's equipment, hazardous conditions, customer use

of equipment adversely affects the utility's equipment or service. Furthermore, Minn. Rules pt. 7810.1800 specify permissible reasons for disconnection of service with notice. Minn. Rules pt. 7810.2300 specifies the manner of disconnection (i.e., five days notice excluding Sundays and legal holidays). Minn. Rules pt. 7810.2100 states that service shall not be disconnected on any Friday, Saturday, Sunday, or legal holiday.

B. Revise tariff page 14, section 11.4, which allows for disconnection without notice in cases of fraud. This section should be revised to comply with the notification requirements listed in Minn. Rules pt. 7810.1800 - 7810.2300 and Minn. Stat. §237.73. Minn. Stat. §237.73 requires that telephone companies obtain an injunction before disconnecting service in cases of fraud.

C. Add references to the tariff to toll restriction service and per call and per line blocking of caller identification service with not monthly charge as required by the Commission's rules. Tariff references should also be added for call trace service. These services are required by Minn. Rules pt. 7812.0600, subpt. 1;

The applicant may not provide local service until all conditions listed above have been fulfilled.

This decision is issued by the Commission's consent calendar subcommittee, under a delegation of authority granted under Minn. Stat. § 216A.03, subd. 8 (a). Unless a party, a participant, or a Commissioner files an objection to this decision within ten days of receiving it, it will become the Order of the full Commission under Minn. Stat. § 216A.03, subd. 8 (b).

The Commission agrees with and adopts the recommendations of the Department of Commerce which are attached and hereby incorporated in the Order.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

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