

TC97-037

VC/TS

TC97-037

DOCKET NO.

In the Matter of IN THE MATTER OF THE  
APPLICATION OF AMERICA'S TELE-  
NETWORK CORP FOR A  
CERTIFICATE OF AUTHORITY TO  
PROVIDE TELECOMMUNICATIONS  
SERVICES IN SOUTH DAKOTA

Public Utilities Commission of the State of South Dakota

DATE

MEMORANDA

4/11/97 Filed and Rejected,  
4/17/97 TC For Filing,  
1/2/97 Order Granting COA,  
7/2/97 Rejected Closed

TC97-037

**HELEIN & ASSOCIATES, P. C.**

ATTORNEYS AT LAW

880 GREENSBORO DRIVE  
SUITE 700  
MCLEAN, VA 22102

(703) 714-1300 (TELEPHONE)  
(703) 714-1330 (FACSIMILE)

WRITER'S DIRECT DIAL NUMBER

(703) 714-1311

RECEIVED

APR 11 1997

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

April 10, 1997

**VIA OVERNIGHT DELIVERY**

Mr. William Bullard  
South Dakota Public Utilities Commission  
State Capitol  
500 East Capitol  
Pierre, SD 57501-5070

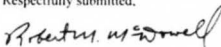
Re: America's Tele-Network Corp.'s Application for Authorization to Provide  
Intrastate Telecommunications Resale Services

Dear Mr. Bullard:

Transmitted herewith, on behalf of America's Tele-Network Corp. ("ATN"), are an original and three (3) copies of ATN's application for Authorization to Provide Intrastate Telecommunications Resale Services in the state of South Dakota. Also enclosed is a check for \$250.00 to cover the filing fee.

Please date stamp and return the extra copy of this filing in the postage pre-paid, self-addressed envelope provided. Should there be any questions regarding this filing, kindly contact the undersigned.

Respectfully submitted,



Robert M. McDowell

Enclosure

TC97-037

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF THE STATE OF  
SOUTH DAKOTA

RECEIVED

APR 11 1997

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

APPLICATION FOR AUTHORIZATION TO PROVIDE  
INTRASTATE TELECOMMUNICATIONS RESALE SERVICES  
OF  
AMERICA'S TELE-NETWORK CORP.

720 HEMBREE PLACE  
ALPHARETTA, GA 30076  
(770) 751-1820

REGULATORY COUNSEL:

Charles H. Helein  
Robert M. McDowell  
Helein & Associates, P.C.  
8180 Greensboro Drive  
Suite 700  
McLean, Virginia 22102  
Telephone No.: (703) 714-1300  
Facsimile No.: (703) 714-1330

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AMERICA'S TELE-NETWORK CORP.  
720 Hembree Place  
Alpharetta, Georgia 30076

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0142436  
Docket No. \_\_\_\_\_

In the Matter of )  
AMERICA'S TELE-NETWORK CORP. )  
Application for Authorization to )  
Provide Intrastate )  
Telecommunications Resale Services )

To the Commission:

APPLICATION OF AMERICA'S TELE-NETWORK CORP.

America's Tele Network Corp. of Alpharetta, Georgia ("ATN" or "the Company"), herewith respectfully petitions for authorization to provide its telecommunications resale services on an intrastate basis. In support of this application, the following is shown:

A. CORPORATE INFORMATION AND OWNERSHIP

1. ATN is incorporated in the State of Georgia. A copy of its Applicant's articles of incorporation is attached to this petition as Exhibit 1. ATN is a privately held corporation.
2. The Company's principal offices are located at 720 Hembree Place, Alpharetta, Georgia 30076.
3. The Company's officers are as follows:  
John Little: President, Chairman of the Board, Secretary
4. The names and addresses of ATN's shareholders holding more than 10% of the Applicant's stock are listed in Exhibit 2.
5. A certificate to do business as a foreign corporation has been granted and a copy is attached as Exhibit 3.
6. The Company's registered agent to receive service is listed in Exhibit 4.

7. No persons serving either by elections or appointment as officers, directors, incorporators and persons controlling or holding more than 10% of the issued and outstanding common shares or 10% of any other ownership interest in the corporation have been convicted of a felony involving a transaction in securities, consumer fraud or antitrust in any state or federal jurisdiction; have been convicted of a felony, the essential elements of which consisted of fraud, misrepresentation, theft by false pretenses, of restraining the trade or monopoly in any state or federal jurisdiction; have been or are subject to an injunction, judgment, decree, or permanent order of any state or federal court where such injunction, judgment, decree or permanent order involved the violation of fraud or registration provisions of the securities laws of that jurisdiction, involved the violation of the consumer fraud laws of that jurisdiction, or involved the violation of the antitrust or restraint of trade laws of that jurisdiction.

8. The Company, its officers, directors and shareholders have not had, and have no interest in any entity that has had any regulatory approval denied, revoked or suspended, nor are they, individually or collectively, involved in any proceeding to deny, revoke or suspend any regulatory approval.

8. DESCRIPTION OF SERVICES

9. ATN is a switchless reseller which provides or which will provide interstate, interexchange long distance telephone service using the fiber optic backbone nationwide and international network of Wiltel, Inc. Intrastate interLATA and, where permitted, intraLATA telecommunication services will also be offered to the public on a resale basis. ATN presently provides interstate "switchless resale" in several states. ATN is extending its service to meet the intrastate needs of its customers in several states and is filing the requisite applications in all other states to be certified as required. ATN proposes to provide service throughout the state.

10. At present, ATN employs no switches or network facilities of its own because those are or will be provided by ATN's underlying carrier. The Company provides service to commercial enterprises and residential customers. This application does ~~not~~ seek authority at this time to provide any form of operator services nor any service to pay phones.

11. To provide non-facility based resale services, ATN arranges under the provisions of the duly published tariffs of its underlying carrier or carriers the commitments to meet the telecommunications traffic usage volumes necessary to qualify for the highest levels of discounts available under those tariffs. ATN is responsible for all payments to the underlying carrier for such usage. ATN then rebills its customers, at the same time

passing on to them a share of the higher discounts made possible by having pooled their traffic with other of ATN's customers.

12. In the event of a billing dispute between the customer and the Company, the customer shall notify the Company of its disagreement within thirty days of receiving its bill. The customer may request, and the Company will provide a detailed review of the disputed amount. In this event, the undisputed amount and any subsequent billing must be paid on a timely basis. If, after investigation by a manager of the Company, there is still a disagreement about the disputed amount, the customer is notified by Company that an appeal to the state public utilities commission may be made.

C. TECHNICAL QUALIFICATIONS

13. Because the Company provides no equipment, transmission or reception facilities, technical qualifications are not directly germane to the Company's operations. ATN maintains close and continuous liaison with its underlying carrier in order to coordinate and expedite new service orders, changes, repairs, etc. of the facilities or the equipment of the underlying carrier.

14. The Federal Communications Commission (FCC) does not license switchless resellers. Accordingly, ATN does not need FCC authority for its interstate operation. ATN is in the process of obtaining 214 authority from the FCC to provide international resale service.



81422418

D. FINANCIAL BACKGROUND AND QUALIFICATIONS

15. Financial information on the Company is submitted in the following exhibits, all of which contain commercial and financial information normally considered proprietary and confidential. Accordingly, ATN requests that the information submitted be protected from public disclosure to the extent possible under the laws of the state. The exhibits contain the following information:

Exhibit 5 -- Balance Sheet

Exhibit 6 -- Profit and Loss Statement

E. PROPOSED TARIFF

16. The proposed tariff of ATN is attached as Exhibit 7.

F. PUBLIC INTEREST SHOWING

17. ATN submits that the public interest will be served by the approval of this application. For example, ATN's proposed service will use existing communication facilities more efficiently, will provide alternative services of the highest quality, provide increased consumer choice in billing options, as well as increased diversification and increased reliability of supply communications services.

18. The Company's resale service offering will enhance competition for telecommunications services in this state because the addition of another supplier of telephone service will increase competition in terms of price and quality of service for the business of telephone service consumers. Also, ATN will make available to small and medium sized businesses as well as

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residential consumers the high volume discounts usually available only to those larger businesses able to meet the volume commitments necessary to obtain such discounts.

G. STANDARDIZED FILING FORMAT

19. ATN anticipates that the majority of its customers' traffic will be interstate and international in nature. Federal law provides for the resale of interstate telecommunications services, and a strong customer demand exists for such a service. However, intrastate service to its customers. Accordingly, to accommodate the intrastate telecommunications needs of its customers along with the interstate service to which they are entitled under federal law, ATN has undertaken to request authority to provide intrastate service in approximately forty states.<sup>1</sup> In order to balance the competing interest of ATN's customers who wish to receive service at the earliest possible time with this state's interest in regulating intrastate telecommunications services, ATN has prepared a standardized application for authority to provide intrastate telecommunications resale service. ATN files this application in the good faith belief that this petition contains most, if not all, information necessary for this Commission to evaluate the Company's qualifications. Nonetheless, in order to comply with

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<sup>1</sup> As of the date of this filing, the states that have determined that they do not exercise jurisdiction over the Company's operations include: Colorado, Michigan, Montana, Ohio, Utah and Virginia. In addition, ATN will not now originate any traffic in Alaska or Hawaii. Toll traffic originating in the District of Columbia is only interstate/international.

0142.41.10  
each state's particular filing requirements, attendant with this filing. ATN is engaged in a review of each individual state's requirements and will supplement this application as necessary.

20. The Company requests that all questions and correspondence be directed to its regulatory counsel at the following address and phone numbers:

Robert M. McDowell  
Helein & Associates, P.C.  
8180 Greensboro Drive  
Suite 700  
McLean, Virginia 22102  
Telephone No.: (703) 714-1300  
Facsimile No.: (703) 714-1330

WHEREFORE, America's Tele-Network Corp. prays that the Commission authorize it to engage in the resale of intrastate, interexchange telecommunication services to the public as proposed herein and as set forth in the attached tariffs. The Company is seeking similar action from all states where such authorization is required.

Respectfully submitted this 10th day of April, 1997.

AMERICA'S TELE-NETWORK CORP.

By: Robert M. McDowell  
Charles H. Helein  
Robert M. McDowell  
Helein & Associates, P.C.  
8180 Greensboro Drive  
Suite 700  
McLean, Virginia 22102  
Telephone No.: (703) 714-1300

Its Attorneys

VERIFICATION

0142.4112

VERIFICATION

STATE OF GEORGIA

COUNTY OF Fulton

JOHN LITTLE, being duly sworn, deposes and says: That he is the President of America's Tele-Network, Corp., that he has read the foregoing petition and knows the contents thereof, and that the same is true of his own knowledge except as to the matters therein stated upon information and belief, and as to those matters he believes them to be true; that he consents to the verified affidavit being used as evidence in this proceeding.

  
John Little

Subscribed and sworn to before me this the 17 day of February, 1997.

  
Notary Public

My commission expires: 2001

EXHIBIT 1

AMERICA'S TELE-NETWORK CORP.

ARTICLES OF INCORPORATION

State of Delaware  
Office of the Secretary of State

PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF INCORPORATION OF "AMERICA'S TELE-NETWORK CORP.", FILED IN THIS OFFICE ON THE EIGHTEENTH DAY OF JULY, A.D. 1995, AT 9 O'CLOCK A.M.



*Edward J. Freel*

Edward J. Freel, Secretary of State

AUTHENTICATION

7525553 8100

DATE

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**NEXT**

**DOCUMENT (S)**

**DISREGARD**

**BACKGROUND**



STATE of DELAWARE  
CERTIFICATE of INCORPORATION  
A STOCK CORPORATION

- FIRST: The name of this Corporation is \_\_\_\_\_  
America's Tele-Network Corp.
- SECOND: Its Registered Office in the State of Delaware is to be located at \_\_\_\_\_  
1013 Centre Road \_\_\_\_\_ Street, in the City of \_\_\_\_\_  
County of \_\_\_\_\_ New Castle \_\_\_\_\_ Zip Code 19805 The Registered Agent in  
charge thereof is \_\_\_\_\_ Corporation Service Company
- THIRD: The purpose of the corporation is to engage in any lawful act or activity for which corpo-  
rations may be organized under the General Corporation Law of Delaware
- FOURTH: The amount of the total authorized capital stock of this corporation is  
One Thousand \_\_\_\_\_ Dollars (\$ 1000.00 ) divided  
into 100,000 \_\_\_\_\_ shares of zero & no/100 \_\_\_\_\_ Dollars (\$ 0.01 ) each.
- FIFTH: The name and mailing address of the incorporator are as follows:  
Name \_\_\_\_\_ R. L. Schnoberger  
Mailing Address \_\_\_\_\_ 4909 Roadstone, #802  
San Antonio, TX \_\_\_\_\_ Zip Code 78230
- I, THE UNDERSIGNED, for the purpose of forming a corporation under the laws of the State of  
Delaware, do make, file and record this Certificate, and do certify that the facts herein stated are  
true, and I have accordingly hereunto set my hand this \_\_\_\_\_ 17th  
day of \_\_\_\_\_ July \_\_\_\_\_, A.D. 19 \_\_\_\_\_ 95.

  
Incorporator

EXHIBIT 2

AMERICA'S TELE-NETWORK CORP.

PRINCIPAL SHAREHOLDERS

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AMERICA'S TELE-NETWORK CORP.

PRINCIPAL SHAREHOLDERS

ATN has issued 4000 shares of common stock. The following individuals listed are shareholders holding ten percent or more of the shares issued.

<u>Shareholder</u>	<u>% of Stock Owned</u>	<u>No. of Shares Owned</u>	<u>Class</u>
John Little	100%	4000	Common

EXHIBIT 3

AMERICA'S TELE-NETWORK CORP.

AUTHORIZATION TO DO BUSINESS AS A FOREIGN CORPORATION

0142  
141  
28

SOUTH DAKOTA SECRETARY OF STATE

OFFICIAL RECEIPT

NUMBER 610467

FORM OF PAYMENT CHECK  
CHECK NBR 15490

DATE 03/14/1997  
AMOUNT \$ 40.00  
BY SIREGAR

AMERICA'S TELE-NETWORK CORP.  
1013 CENTRAL ROAD  
WILMINGTON DE 19802

THIS RECEIPT IS IN REFERENCE TO:  
AMERICA'S TELE-NETWORK CORP.

TRANSACTION DESCRIPTION

AMOUNT

TERMINATE OF AUTHORITY ..... \$ 40.00

81424121

# Secretary of State

State Capitol, Ste 204  
500 East Capitol Avenue  
Pierre, South Dakota  
57501-5070  
TDD (605) 773-5010



JOYCE HAZELTINE  
Secretary of State

TOM LECKEY  
Deputy

March 14, 1997

Helein & Associates, P.C.  
Ms. Jane Helein  
8180 Greensboro Drive Ste 700  
McLean VA 22102

Re: America's Tele-Network Corp.

Dear Ms. Helein:

We have received the Application for Certificate of Authority on behalf of the above named corporation together with the \$40 filing fee.

The application has been approved and filed. Enclosed is a Certificate of Authority attached to the duplicate along with our receipt.

SDCL 47-9-3 requires the filing of a corporate annual report with our office between the anniversary date of qualification and prior to the first day of the second month following. The first report is due the year following qualification. An annual report form will be mailed to the corporation for timely filing. Please contact our office if the corporate address changes or if the form is not received.

If this office can be of any assistance in the future, please feel free to contact us.

Sincerely,

Joyce Hazeltime  
Secretary of State

JH/BKW: C  
Enclosure

# State of South Dakota



## OFFICE OF THE SECRETARY OF STATE

### CERTIFICATE OF AUTHORITY

I, JOYCE HAZELTINE, Secretary of State of the State of South Dakota, hereby certify that the Application for a Certificate of Authority of AMERICA'S TELE-NETWORK CORP. (DE) to transact business in this state duly signed and verified pursuant to the provisions of the South Dakota Corporation Acts, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I hereby issue this Certificate of Authority and attach hereto a duplicate of the application to transact business in this state under the name of AMERICA'S TELE-NETWORK CORP.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of South Dakota, at Pierre, the Capital, this March 14, 1997.



JOYCE HAZELTINE  
Secretary of State

01424123

**NEXT**

**DOCUMENT (S)**

**DISREGARD**

**BACKGROUND**



SECRETARY OF STATE  
STATE CAPITOL  
600 E. CAPITOL  
PIERRE, S.D. 57501-5077  
605-773-4845  
FAX (605) 773-4559

# APPLICATION FOR CERTIFICATE OF AUTHORITY

Pursuant to the provisions of SDCL 47-8-7, the undersigned corporation hereby applies for a Certificate of Authority to transact business in the State of South Dakota and for that purpose submits the following statement of incorporation:

(1) The name of the corporation is America's Tele- Network Corp.  
(Exact corporate name)

(2) If the name of the corporation does not contain the word "corporation", "company", "incorporated" or "limited" or does not contain an abbreviation of one of such words, then the name of the corporation with the word or abbreviation which it elects to add thereto for use in this state is Corporation

(3) State where incorporated Delaware Federal Taxpayer ID# 54-1745215 and the period of its duration is Perpetual

(4) The date of its incorporation is July 8, 1995

(5) The address of its principal office in the state or country under the laws of which it is incorporated is 1013 Centre Road, Wilmington, DE Zip Code 19805

(6) The street address, or a statement that there is no street address, of its proposed registered office in the State of South Dakota is 503 S. Pierre St., Pierre, SD Zip 57501 and the name of its proposed registered agent in the State of South Dakota is Corporate Service Company

(7) The purposes which it proposes to pursue in the transaction of business in the State of South Dakota are Telecommunication Services

(8) The names and respective addresses of its directors and officers are

Name	Officer Title	Street Address	City	State	Zip
John W. Little	President	220 Humbree Place	Hotwell, GA	30076	
"	Treasurer				
"	Director				
"					
"					
"					
"					
"					
"					
"					

(9) The aggregate number of shares which it has authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any, within a class is:

Number of shares	Class	Series	Par value per share or statement that shares are without par value
100,000	Common		\$0.01

(10) The aggregate number of it issued shares, itemized by classes, par value of shares, shares without par value, and series, if any, within a class, is:

Number of shares	Class	Series	Par value per share or statement that shares are without par value
400	Common		\$0.01

(11) The amount of its stated capital is \$ 4.00

(12) This application is accompanied by a CERTIFICATE OF FACT duly acknowledged by the secretary of state or other officer having custody of corporate records in the state or country under whose laws it is incorporated.

(13) That such corporation shall not directly or indirectly combine or make any contract with any incorporated company, foreign or domestic, through their stockholders or the trustees or assigns of such stockholders, or with any copartnership or association of persons, or in any manner whatever to fix the prices, limit the production or regulate the transportation of any product or commodity so as to prevent competition in such prices, production or transportation or to establish excessive prices therefor.

(14) That such corporation, as a consideration of its being permitted to begin or continue doing business within the State of South Dakota, will comply with all the laws of the said State with regard to foreign corporations.

The application must be signed by the chairman of the board of directors, or by the president or by another officer.

I DECLARE AND AFFIRM UNDER THE PENALTY OF PERJURY THAT THIS APPLICATION IS IN ALL THINGS, TRUE AND CORRECT.

Dated 2-13 19 97  
Shirley Little  
(Signature)  
PRESIDENT  
(Title)

State of Georgia  
County of Fulton

On this 13 day of February, 19 97, before me Antonia Bergeron, personally appeared Shirley Little, known to me, or proved to me, to be the PRESIDENT of the corporation that is described in and that executed the within instrument and acknowledged to me that such corporation executed same.

My Commission Expires 2001  
Antonia Bergeron  
(Notary Public)

Notary Seal

\*\*\*\*\*  
The Consent of Appointment below must be signed by the registered agent listed in number six.

## CONSENT OF APPOINTMENT BY THE REGISTERED AGENT

I, Corporate Service Company, hereby give my consent to serve as the registered agent for America's Tele- Network Corp.  
(Name of registered agent)  
(Corporate name)  
Dated 19  
Shirley Little  
(Signature of registered agent)

EXHIBIT 4

AMERICA'S TELE-NETWORK CORP.

REGISTERED AGENT FOR SERVICE

South Dakota Corporation Services Company

919 Maine Street

Pennington, South Dakota 57709

CONFIDENTIAL

1

EXHIBIT 7

AMERICA'S TELE-NETWORK CORP.

PROPOSED TARIFF

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TELECOMMUNICATIONS SERVICES TARIFF

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SOUTH DAKOTA TELECOMMUNICATIONS TARIFF

This tariff contains the description, regulations, and rates applicable to the furnishing of telecommunications services provided by America's Tele-Network Corp., with principal offices at 720 Hembree Place, Alpharetta, Georgia 30076. This tariff applies for services furnished within South Dakota. This tariff is on file with the South Dakota Public Service Commission, where copies may be inspected, during normal business hours.

---

ISSUED:

EFFECTIVE:

ISSUED BY:

Cathy Bergeron, Tariff Administrator  
AMERICA'S TELE-NETWORK CORP.  
720 Hembree Place  
Alpharetta, Georgia 30076

AMERICA'S TELE-NETWORK CORP.

SOUTH DAKOTA P.U.C. Tariff  
ORIGINAL PAGE NO. 2

TELECOMMUNICATIONS SERVICES TARIFF

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CHECK SHEET

Pages 1 through 20 inclusive of this tariff are effective as of the date shown at the bottom of the respective page(s). Original and revised pages as named below comprise all changes from the original tariff and are currently in effect as of the date at the bottom of this page.

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ISSUED:

EFFECTIVE:

ISSUED BY:

Cathy Bergeron, Tariff Administrator  
AMERICA'S TELE-NETWORK CORP.  
720 Hembree Place  
Alpharetta, Georgia 30076

## TELECOMMUNICATIONS SERVICES TARIFF

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ISSUED:

EFFECTIVE:

ISSUED BY: Cathy Bergeron, Tariff Administrator  
AMERICA'S TELE-NETWORK CORP.  
720 Hembree Place  
Alpharetta, Georgia 30076

TELECOMMUNICATIONS SERVICES TARIFF

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SYMBOLS

The following are the only symbols used for the purpose indicated below:

- (C) - Change regulation
- (D) - Discontinued rate or regulation
- (I) - Increase in rate
- (N) - New rate or regulation
- (R) - Reduction in rate
- (T) - Change in text only

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ISSUED:

EFFECTIVE:

ISSUED BY:

Cathy Bergeron, Tariff Administrator  
AMERICA'S TELE-NETWORK CORP.  
720 Hembree Place  
Alpharetta, Georgia 30076



TELECOMMUNICATIONS SERVICES TARIFF

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TARIFF FORMAT

- A. Page Numbering - Page numbers appear in the upper right corner of the page. Pages are numbered sequentially. However, new pages are occasionally added to the tariff. When a new page is added between pages already in effect, a decimal is added. For example, a new page added between pages 14 and 15 would be 14.1.
- B. Page Revision Numbers - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current page version on file with the PUC. For example, the 4th revised page 14 cancels the 3rd revised page 14. Because of various suspension periods, deferrals, etc. the PUC follows in its tariff approval process, the most current page number on file with the PUC is not always the tariff page in effect. Consult the Check Sheet for the page currently in effect.
- C. Paragraph Numbering Sequence - There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:
- 2.
  - 2.1
  - 2.1.1.
  - 2.1.1.A.
  - 2.1.1.A.1.
  - 2.1.1.A.1.(a).
  - 2.1.1.A.1.(a).1.
  - 2.1.1.A.1.(a).1.(i)
  - 2.1.1.A.1.(a).1.(i).(1).

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ISSUED:

EFFECTIVE:

ISSUED BY: Cathy Bergeron, Tariff Administrator  
AMERICA'S TELE-NETWORK CORP.  
720 Hembree Place  
Alpharetta, Georgia 30076

TELECOMMUNICATIONS SERVICES TARIFF

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TARIFF FORMAT (Cont'd.)

- D. Check Sheets - When a tariff filing is made with the PUC, an updated check sheet accompanies the tariff filing. The check sheet lists the pages contained in the tariff, with a cross reference to the current revision number. When new pages are added, the check sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk (\*). There will be no other symbols used on this page if these are the only changes made to it (i.e., the format, etc., remains the same, just revised revision levels on some pages). The tariff user should refer to the latest check sheet to find out if a particular page is the most current on file with the PUC.

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ISSUED:

EFFECTIVE:

ISSUED BY:

Cathy Bergeron, Tariff Administrator  
AMERICA'S TELE-NETWORK CORP.  
720 Hembree Place  
Alpharetta, Georgia 30076

TELECOMMUNICATIONS SERVICES TARIFF

---

SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

Access Line - A telephone line provided by local exchange carriers which connect a telephone or other communications device at a customer's location to America's Tele-Network Corp.'s underlying carrier's telecommunications network switching center(s).

Authorization or Account Code - A numerical code of four to eleven digits, one or more of which codes are available to a customer to enable the customer to lawfully connect its communication devices for the purpose of accessing the telecommunications networks of America's Tele-Network Corp.'s Underlying Carrier, and which thereby are used to prevent unauthorized network access and to identify the customer and its calling volumes for billing purposes.

Carrier or Company - America's Tele-Network Corp.

Customer - The person, firm, corporation, end user or other entity which orders or uses service and is responsible for the payment of charges.

Holidays - New Year's Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.

PUC - South Dakota Public Utilities Commission.

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ISSUED:

EFFECTIVE:

ISSUED BY:

Cathy Bergeron, Tariff Administrator  
AMERICA'S TELE-NETWORK CORP.  
720 Hembree Place  
Alpharetta, Georgia 30076

TELECOMMUNICATIONS SERVICES TARIFF

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS (Cont'd.)

Rate Center - The Points of Presence (POPs) or first point of interconnection of local exchange facilities providing access to the long distance network of the Company's Underlying Carrier and the point from which a customer's traffic is rated and billed.

Service Agreement - Company's standard form for the ordering and acceptance of a customer's request for and commitment to take Company's service offerings pursuant to this tariff.

Underlying Carrier - The telecommunications carrier whose network facilities provide the technical capability and capacity necessary for the transmission and reception of customer telecommunications traffic with South Dakota.

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TELECOMMUNICATIONS SERVICES TARIFF

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SECTION 2 - RULES AND REGULATIONS2.1 Undertaking of Company

Company undertakes to provide only those designated Services as are furnished under the terms and subject to the conditions and customer payment of the applicable rates of this tariff for communications originating and terminating within South Dakota.

The Company's Services are available to its customers twenty-four hours per day, seven days per week.

2.2 Limitations

2.2.1 Service is offered subject to the availability of the facilities and services of Company's Underlying Carrier and the provisions of this tariff.

2.2.2 Company reserves the right to discontinue furnishing service, or limit the use of service necessitated by conditions beyond its control, including, without limitation, for customer non-payment of charges; or when the customer's use of a service becomes or is in violation of the law or the provisions of this tariff.

2.2.3 The Services provided under this tariff are subject to the direct and exclusive control of the Company. No one may alter or affect the Services nor transfer or assign its use of the Services without the express written consent of the Company, which consent may be withheld, without limitation, by Company in its sole discretion at any time such alteration, effect, transfer or assignment would result in an interruption of the Services or a change in the customer's location to which the Services are to be provided.

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ISSUED:

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TELECOMMUNICATIONS SERVICES TARIFF

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SECTION 2. RULES AND REGULATIONS (Cont'd.)

- 2.2.4 In the event prior written permission from the Company is given for any assignment or transfer, all regulations and conditions contained in this tariff shall apply to all such permitted assignees or transferees, as well as all conditions for services.
- 2.3 Liabilities of the Company
- 2.3.1 Company has no liability for damages arising out of mistakes, interruptions, omissions, delays, errors, or defects in the transmission or call processing of customer's communications traffic by the Underlying Carrier. The Company's liability for such damages occurring in the course of furnishing the Company's Services but not caused by its gross negligence or willful misconduct or that of its employees or agents, in no event shall exceed an amount equivalent to the proportionate charge to the customer for the period during which such mistakes, interruptions, omissions, delays, errors, or defects in the Company's furnishing of its Services occur.
- 2.3.2 Acceptance of the provisions of Section 2.3.1 by the Commission does not constitute its determination that the limitation of liability imposed by the Company should be upheld in a court of law; but the recognition that as it is the duty of the courts to adjudicate negligence claims and rights to recover damages therefor, so it is the duty of the courts to determine the validity of the exculpatory provisions of Section 2.3.1.
- 2.3.3 Company shall be indemnified and held harmless by the customer against:

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ISSUED:

EFFECTIVE:

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TELECOMMUNICATIONS SERVICES TARIFF

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SECTION 2 - RULES AND REGULATIONS (Cont'd.)

- A. Claims for libel, slander, or infringement of copyright arising out of the material, data, information, or other content of a customer's communications traffic;
- B. Claims for patent infringement arising from customer use of its equipment, facilities or systems with the Services; and
- C. All other claims arising out of any act or omission of the customer in connection with any service provided by Company.

2.4 Interruption of Service

- 2.4.1 Credit allowance for the interruption of service is subject to the general liability provisions set forth in Section 2.3.1 herein. Customer shall receive no credit allowance for interruption of service which is due to Carrier's testing or adjusting, negligence of the customer, or to the failure of channels or equipment provided by the customer. It shall be the obligation of the customer to notify the Company immediately of any interruption in service for which a credit allowance is claimed. Before giving such notice, the customer shall ascertain that the trouble is not being caused by any action or omission within customer's control, or is not in wiring or equipment, if any, furnished by the customer in connection with the Company's Services.
- 2.4.2 No credit is allowed in the event service must be interrupted in order to provide routine service quality or related investigations.

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TELECOMMUNICATIONS SERVICES TARIFF

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SECTION 2 - RULES AND REGULATIONS (Cont'd.)

- 2.4.3 Credit for failure of Service shall be allowed only when such failure is caused by or occurs due to causes within the control of Company or in the event Company is entitled to a credit for the failure of the facilities of Company's Underlying Carrier used to furnish the Services.
- 2.4.4 No credit shall be allowed:
- A. For failure of services or facilities of customer or other carriers; or
  - B. For failure of services or equipment caused by the negligence or wilful acts of customer or others.
- 2.4.5 Credit for an interruption shall commence after customer notifies Company of the interruption or when Company becomes aware thereof, and ceases when Service has been restored.
- 2.4.6 Before customer notifies Company of an interruption, customer shall make reasonable attempts to ascertain that customer, a third party or its or their actions and/or equipment is/are not the cause thereof.
- 2.4.7 Credits are applicable only to that portion of service interrupted.
- 2.4.8 For purposes of credit computation, every month shall be considered to have 720 hours.
- 2.4.9 No credit shall be allowed for an interruption of a continuous duration of less than two hours.

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ISSUED:

EFFECTIVE:

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TELECOMMUNICATIONS SERVICES TARIFF

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SECTION 2 - RULES AND REGULATIONS (Cont'd.)

- 2.4.10 The customer shall be credited for an interruption of two hours or more at the rate of 1/720th of the monthly charge for the service affected for each hour or major fraction thereof that the interruption continues. Calculations of the credit shall be made in accordance with the following formula.

Credit Formula:

$$\text{Credit} = \frac{A}{720} \times B$$

"A" = outage time in hours

"B" = total monthly charge for affected facility

2.5 Restoration of Service

The use and restoration of service shall be administered by the Underlying Carrier in accordance with the priority system specified in the Rules and Regulations of the Public Utilities Commission of South Dakota.

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TELECOMMUNICATIONS SERVICES TARIFF

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SECTION 2. RULES AND REGULATIONS (Cont'd.)**2.6 Deposits**

The Company does not require a deposit from its customers, but reserves the right to require such a deposit not to exceed two month's estimated, or if known two month's historical charges for service, whenever the financial circumstances of the customer so warrant. Company shall return any deposits required, plus applicable interest, after one (1) year of consistent timely payments by customer. Up to the full amount of a deposit shall be applied to charges unpaid after thirty days from the invoice date.

**2.7 Advance Payments**

The Company does not collect advance payments, but reserves the right to collect an amount not to exceed one (1) month's estimated charges as an advance payment for service whenever the financial circumstances of the customer may warrant. Any such advance payment required will be applied against the next month's charges and if necessary a new advance payment will be collected for the following month.

**2.8 Taxes**

All state and local taxes, (i.e., gross receipts tax, sales tax, municipal utilities tax and so forth) are listed as separate line items and are not included in the Company's scheduled rates.

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ISSUED:

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TELECOMMUNICATIONS SERVICES TARIFF

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SECTION 3 - DESCRIPTION OF SERVICES3.1 Usage Based Services

The Company's charges are based on the actual usage of Company's services, plus any special features and/or service options, if any. Charges begin when the designated communication termination(s) is/are accessed and enabled thereby ("connected") to receive the communication from the originating location on the network. Charges cease when the termination(s) is/are disconnected.

- 3.1.1 Long distance usage charges are based on the actual usage of the Company's network. Chargeable time begins when the calling and called stations are connected.
- 3.1.2 Chargeable time ends when the calling service point terminates, thereby releasing the network connection. If the called party hangs up but the calling number does not, chargeable time ends when the network connection is released by automatic timing equipment in the telephone network.
- 3.1.3 Unless otherwise specified in this tariff, the minimum call duration for billing purposes is one (1) minute.
- 3.1.4 Unless otherwise specified in this tariff, usage is measured and rounded to the higher full minute for billing purposes.
- 3.1.5 The Company will not bill for unanswered calls in areas where equal access is available. The Company will not knowingly bill for unanswered calls in areas where equal access is not available.

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TELECOMMUNICATIONS SERVICES TARIFF

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SECTION 3 - DESCRIPTION OF SERVICES (Cont'd)

3.2 Rate Plans I and II

Carrier's Rate Plans I and II are switched equal access outbound services using standard equal access dialing to place intrastate calls from customer premises to points located within South Dakota. Rates, charges and restrictions are set forth in § 4 following.

3.3 Services Not Available

Carrier does not offer 911, collect or third-party billed calling.

3.4 Bill Format

Carrier provides the following information on each customer's bill: Carrier's name and a toll free telephone number for customers having questions concerning the Carrier's service.

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TELECOMMUNICATIONS SERVICES TARIFF

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SECTION 4 - RATES4.1 Description of Rates

Switched outbound services are available to business and residential subscribers under the following rate plans. Calls in each rate plan are billed in one minute increments with a minimum billing increment of one minute. No charge is made for uncompleted call.

4.2 Rate Plan I

<u>Mileage</u>	<u>Per Minute</u>
All Mileage Bands	\$0.29

4.3 Rate Plan II

Rate Plan II per minute rates vary according to the time of day the call is placed and are available only to customers meeting the following eligibility criteria.

- 4.3.1 Any ATN customer whose volume of daytime calling changes during the any service term upon either customer notification of ATN and ATN determination that a change has occurred in the customer's daytime calling patterns and customer would benefit from the rates available under ATN Rate Plan II;
- 4.3.2 The customer who is determined to benefit from ATN's Rate Plan II commits to a minimum service term of six months under the ATN Rate Plan II; and

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TELECOMMUNICATIONS SERVICES TARIFF

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SECTION 4 - RATES (Cont'd)4.3 Rate Plan II (cont'd)

- 4.3.3 In the event an ATN customer has switched to another Primary Interexchange Carrier (PIC) before ATN's Rate Plan II is selected or offered, such customer, within 90 days or less after having chosen another PIC than ATN, submits a valid PIC change request designating ATN as his/her PIC.
- 4.3.4 A customer who terminates his/her ATN Rate Plan II service prior to the expiration of the six month commitment term shall be billed for and shall pay ATN the difference between the rates payable under ATN Rate Plan I and ATN Rate Plan II for all services rendered to the date of termination.
- 4.3.5 ATN Rate Plan II Rates

<u>Mileage</u>	<u>Peak Rate</u> <u>Per Minute</u>	<u>Off-Peak Rate</u> <u>Per Minute</u>
All Mileage Bands	\$0.27	\$0.21

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TELECOMMUNICATIONS SERVICES TARIFF

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SECTION 4 -- RATES (Cont'd)4.4 Rate Period Charges

4.4.1 Rate periods - ATN offers two rate periods. Peak and Off-Peak rate periods apply to Rate Plan II. The rates apply for all days of the week including holidays. The Peak rate period is 8:00 AM to, but not including, 6:59 PM, seven days a week. The Off-Peak rate period is all other time periods. For New Year's Day (January 1), Independence Day (July 4), Labor Day, Thanksgiving Day and Christmas Day (December 25), the Off-Peak rate applies.

4.4.2 Charges for Rate Plan II are determined by the time of day rate periods and minutes of use within each rate period. The rate period is determined by the time and day of call origination at the customer's location. Calls initiated during one time period and ending during a different period will be billed for the usage during each time period at the rates applicable to that time period.

4.5 Method of Computing Charges

Charges for each call are totaled by rate period. If the computed charges include a fraction of a mill, the fraction is rounded up to the next whole mill (e.g., \$1.426 would be rounded up to \$1.43).

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TELECOMMUNICATIONS SERVICES TARIFF

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SECTION 4 - RATES (Cont'd)4.6 Directory Assistance

A Directory Assistance charge applies to all calls made from points within the United States, Puerto Rico and the U.S. Virgin Islands to Interstate Directory Assistance. Up to two requests for listings within the area code dialed may be made on each call to Directory Assistance. The Directory Assistance charge applies whether or not the requested telephone number is provided. When Directory Assistance personnel complete a call to a requested telephone number, appropriate Service Charges as listed in 3.7 above also apply. Directory Assistance is available to Customers of ATN for any outbound ATN calling plan when Switched Access lines are used to originate calls.

Directory Assistance Charge Per Call \$0.65.

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ISSUED:

EFFECTIVE:

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AMERICA'S TELE-NETWORK CORP  
120 HENRIE PLACE  
ROSELAND, GA 30076

FIRST UNION NATIONAL BANK  
OF GEORGIA  
ATLANTA, GA 30279  
NA 22-813

17005

4/8/97

PAY TO THE ORDER OF South Dakota Public Service Commission

\$ \*\*250.00

Two Hundred Fifty and 00/100\*\*\*\*\*

South Dakota Public Service Commission

DOLLARS



MEMO

⑈0⑆7005⑈ ⑆06⑆000227⑆20800002⑆28⑆⑈

*John W. [Signature]*

AMERICA'S TELE-NETWORK CORP

South Dakota Public Service Commission  
Filing Fees

4/8/97

17005

250.00

TE 97-037

Operating - Checkin

250.00

TC97-041	Application by One Step Billing, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/KC) Applicant seeks authority to offer a full range of 1+ interexchange telecommunications services on a resale basis. Specifically, Applicant seeks authority to provide MTS, out-WATS, in-WATS, and calling card services. Applicant does not intend to provide operator services, 900 or 700 services.	04/15/97	05/02/97
TC97-043	Application by Association Administrators, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/KC) Applicant is a switchless reseller which intends to offer 1+ direct dialing, 800 toll free, and travel card (no prepaid calling cards) service through resale of telephone services provided by facilities-based interexchange carriers.	04/17/97	05/02/97
<b>LOCAL EXCHANGE COMPANY COMPLIANCE WITH FCC PAYPHONE ORDERS</b>			
TC97-039	Petition of MCI and AT&T to Certify all LECs as to Compliance With FCC Payphone Orders. MCI and AT&T hereby file this petition to investigate compliance of all certificated local exchange companies (LECs) with the Federal Communications Commission (FCC) orders on payphone reclassification. Specifically, MCI and AT&T request that the Commission determine and certify whether all certificated LECs have met all state-specific requirements identified in the FCC's orders.	04/14/97	05/02/97
<b>WAIVER OF SWITCHED ACCESS RULES</b>			
TC97-042	Petition of the independent telephone companies that have purchased U S WEST exchange areas for an extension of the waiver of the switched access rules which the Commission granted as part of its final Order approving the sale of U S WEST. The Commission approved a composite switched access rate of 7 cents per minute of use. The rate, which was stipulated to within the purchase agreements between U S WEST and the purchasing companies, was accepted by the Commission and approved as a reasonable interim rate in recognition of the fact that no rate could be established pursuant to the Commission's switched access rules (ARSD Chapters 20 10 27 to 20 10 29) until each of the purchasing companies had operated the transferred exchange areas for at least a one year time period. Because the purchasing companies have not yet operated the acquired exchanges for one year, it is necessary to request from the Commission an extension of the waiver previously granted in the exchange sale dockets. Based on the following, the [purchasing] companies request an extension of the waiver until such time that cost studies based on 1997 calendar year operations can be provided:	04/15/97	05/02

Important Notice: The Commission is accepting all initial filings by electronic means. Filings made by electronic means must comply with the Commission's Electronic Filing System. Filings made by electronic means must be made to the Commission's Electronic Filing System.

PAGE 2 OF 2

South Dakota Public Utilities Commission State Capitol 500 E. Capitol Pierre, SD 57501-5072 Phone: (605) 332-1782 Fax: (605) 773-3829		<b>TELECOMMUNICATIONS SERVICE FILINGS</b> These are the telecommunications service filings that the Commission has received for the period of <b>04/11/97 through 04/17/97</b> If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delane Kolbo within five days of this filing.	
DOCKET NUMBER	TITLE/STAFF/SYNOPSIS	DATE FILED	INTERVENTION DEADLINE
<b>REQUEST FOR CERTIFICATE OF AUTHORITY</b>			
TC97-036	Application by IDT Corporation for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/CH) Applicant is a switchless reseller which intends to offer 1+ direct dialing, 800 toll free, travel card, and prepaid calling card service through the resale of telephone services provided by facilities-based interexchange carriers.	04/11/97	05/02/97
TC97-037	Application by America's Tele-Network Corp. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/KC) Intrastate interLATA and, where permitted, intralATA telecommunications services will be offered to the public on a resale basis. The Company provides service to commercial enterprises and residential customers. This application does not seek authority at this time to provide any form of operator services nor any service to pay phones.	04/11/97	05/02/97
TC97-038	Application by LDM Systems Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: DJ/CH) Applicant respectfully seeks to amend its Certificate of Authority to permit it to provide resold local exchange services in the state of South Dakota. The specific manner in which Applicant will provide local exchange service depends upon the result of negotiations with the incumbent local exchange carriers currently operating within the State. Applicant seeks authority to resell local exchange service in the existing service areas of U S WEST and any other relevant carriers. Applicant is unable to file a proposed tariff. As soon as such rates are available, and prior to the commencement of service, Applicant shall file a proposed tariff (containing its rates, terms and conditions of service) with the Commission for its review.	04/14/97	05/02/97
TC97-040	Application by Tel-Save, Inc. dba The Phone Company for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: DJ/CH) Applicant is a reseller which intends to offer all local services provided by the incumbent LECs. Tel-Save seeks authority to resell local exchange services throughout the state of South Dakota in the areas served by any LECs in South Dakota that are not eligible for a small or rural carrier exemption pursuant to Section 251(f)(1) of the Federal Act. Tel-Save does not seek to provide resold services to customers in those small or rural territories of the state. Applicant will file a copy of its proposed tariff upon completion of negotiations for interconnection.	04/15/97	05/02/97

PAGE 1 OF 2

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION OF )  
AMERICA'S TELE-NETWORK CORP. FOR A )  
CERTIFICATE OF AUTHORITY TO PROVIDE )  
TELECOMMUNICATIONS SERVICES IN )  
SOUTH DAKOTA )

ORDER GRANTING  
CERTIFICATE OF  
AUTHORITY

TC97-037

On April 11, 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 America's Tele-Network Corp. (Applicant).

Applicant will provide interstate, interexchange long distance telephone service using the fiber optic network of Witel, Inc. Applicant provides service to commercial enterprises and residential customers. At this time Applicant does not seek authority to provide any form of operator services nor any service to payphones. A proposed tariff was filed by Applicant. The Commission has classified long distance service as fully competitive.

On April 17, 1997, the Commission electronically transmitted notice of the filing and the intervention deadline of May 2, 1997, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled June 24, 1997, meeting, the Commission considered Applicant's 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 Applicant has met the legal requirements established for the granting of a certificate of authority. Applicant 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 Applicant's application for a certificate of authority. As the Commission's final decision in this matter, it is therefore:

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

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

Dated at Pierre, South Dakota, this 30th day of July, 1997.

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 Debra L. Laska

Date 7/31/97

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner

Laska Schoenfelder  
LASKA SCHOENFELDER, Commissioner

# **SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

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## **CERTIFICATE OF AUTHORITY**

To Conduct Business As A Telecommunications Company  
Within The State Of South Dakota

Authority was Granted June 24, 1997  
Docket No. TC97-037

*This is to certify that*

### **AMERICA'S TELE-NETWORK CORP.**

*is authorized to provide telecommunications services in South Dakota.*

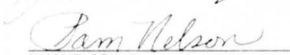
This certificate is issued in accordance with SDCL 49-31-3 and ARSD 20 10 24 02, and is subject to all of the conditions and limitations contained in the rules and statutes governing its conduct of offering telecommunications services

Dated at Pierre, South Dakota, this 22<sup>nd</sup> day of July, 1997

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION:**



  
JAMES A. BURG, Chairman

  
PAM NELSON, Commissioner

  
LASKA SCHOENFELDER, Commissioner