

TC99-034

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APR 02 1999

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Telephone: (770) 232-9200

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Lance J.M. Steinhart
Attorney At Law
6455 East Johns Crossing
Suite 285
Duluth, Georgia 30097

Also Admitted in New York
and Maryland

April 1, 1999

VIA AIRBORNE EXPRESS

Mr. William Bullard
Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501-5070
(605) 773-3201

Re: erbia Network, Inc.

Dear Mr. Bullard:

Enclosed please find one original and ten (10) copies of erbia Network, Inc.'s Application for Registration of a Telecommunications Company.

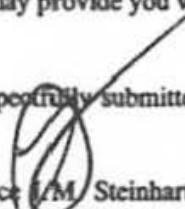
Please note that Exhibit A, the Certificate of Authority from the Secretary of State, is not attached. We have applied for the certificate and will forward a copy to the commission upon receipt.

In order to expedite the processing of this application, I would like to suggest that all requests for information by the analyst be made by either telephone or facsimile. I will make every effort to respond on the day of the request.

I have also enclosed a check in the amount of \$250.00 payable to the "South Dakota Public Utilities Commission" for the filing fee, and an extra copy of this cover letter to be date stamped and returned to me in the enclosed self-addressed prepaid envelope.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me.

Respectfully submitted,


Lance J.M. Steinhart
Attorney for erbia Network, Inc.

Enclosures

cc: Richard J. Gibbs

TC99-034

APPLICATION FOR REGISTRATION
OF ERBIA NETWORK, INC.
FILED WITH THE
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

RECEIVED

APR 02 1999

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN THE MATTER OF THE)
APPLICATION OF)
ERBIA NETWORK, INC.)
FOR AN ORDER)
AUTHORIZING THE REGISTRATION)
OF APPLICANT AS A)
TELECOMMUNICATIONS COMPANY)

Docket No. _____

APPLICATION

Application is hereby made to the South Dakota Public Utilities Commission for an Order authorizing erbia Network, Inc. ("Applicant") to register as a telecommunications company within the State of South Dakota. The following information is furnished in support thereof:

1. Name, Address and Telephone Number of Applicant:

erbia Network, Inc.
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101
Telephone: (703) 749-9745

2. The name under which the Applicant will provide these services if different than in 1. above:

3. Applicant's corporate information:

Applicant was incorporated in the State of Delaware on February 3, 1999. A copy of the Applicant's Articles of Incorporation is attached hereto as Exhibit A. A copy of Applicant's Certificate of Authority to transact business as a foreign corporation in the State of South Dakota will be filed as Exhibit B upon issuance.

The Applicant has no principal office in South Dakota. The name and address of the Applicant's registered agent is:

National Registered Agents, Inc.
300 South Phillips Avenue, Ste. 300
Sioux Falls, SD 57102

The names and address of each corporation, association, partnership, cooperative, or individual holding a 20% or greater ownership or management interest in the Applicant corporation and the amount and character of the ownership or management interest are as follows:

Name and Address	Shares Owned	Percentage of all Shares Issued and Outstanding and Voting Control
erbia, Inc. 1483 Chain Bridge Road Suite 300 McLean, Virginia 22101	100	100%

All of the above shareholders can be reached at erbia Network, Inc., 1483 Chain Bridge Road, Suite 300, McLean, Virginia 22101; Telephone: (703) 749-9745.

4. Partnership Information:

Not Applicable.

5. Description of Services Applicant intends to offer:

Applicant is a reseller which intends to offer 1+ and 101 XXXX direct outbound dialing, 800/888 toll-free inbound dialing, and travel card service.

6. Means by which the Applicant intends to provide services:

Applicant does not own or maintain any transmission facilities or switching equipment in the State of South Dakota. The Applicant will provide services through TeleHub Network Services and MCI WorldCom, its underlying carriers. As a reseller, Applicant has no points of presence in the State of South Dakota, thus Applicant neither owns, leases, nor operates any switching, transmission, or other physical facilities in the State of South Dakota, and no such facilities will be used by Applicant in providing service in the State of South Dakota. Rather, Applicant will be engaged in reselling services provided by facilities-based carriers within the State of South Dakota.

7. Geographic Areas in which services will be offered:

Applicant intends to provide services on a statewide basis.

8. Financial Qualifications:

Applicant is financially qualified to provide intrastate interexchange telecommunications services within South Dakota. In particular, Applicant has adequate access to the capital necessary to fulfill any obligations it may undertake with respect to the provision of intrastate telecommunications services in the State of South Dakota. See Exhibit C, which is

attached hereto, Applicant's Balance Sheet as of March 31, 1999, which demonstrates that Applicant has the financial ability to provide the services that it proposes to offer.

9. Applicant's complaints and regulatory matters contact and how Applicant handles customer billings and customer service matters.

All inquiries regarding regulatory matters should be addressed to:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101
Telephone: (703) 749-9745
Facsimile: (703) 749-9747
E-Mail: richard.gibbs@erbia.com

All inquiries regarding complaints should be addressed to:

Kathy Davies, Customer Service Contact
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101
Telephone: (703) 749-9745
Facsimile: (703) 749-9747
E-Mail: kathy.davies@erbia.com

The Applicant's customers will be direct billed utilizing "real-time" completed call detail information from Applicant's underlying carriers and its own switching equipment. Applicant's toll-free number will be on all invoices and customer service will be provided in-house by the Applicant.

10. Regulatory Status:

Applicant is currently in the process of obtaining all required authorizations from the state regulatory agencies. Applicant is currently authorized to provide service in Indiana, Iowa, Michigan, Montana, New Jersey, Pennsylvania, Texas, Utah and Virginia.

The Applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified. The Applicant has never been denied registration or certification nor withdrawn its request for registration or certification in any state.

11. Description of Marketing

Applicant intends to market its services to primarily to small to mid-sized businesses and residential customers. All sales personnel will have telecommunications service experience. Applicant will market through direct sales by employees and agents. Applicant does not intend to engage in multilevel marketing. A copy of Applicant's marketing materials are attached hereto as Exhibit D.

12. Cost Support:

Applicant intends to provide services at a price above its cost.

13. Federal Tax Identification Number:

54-1931070

14. The Number and Nature of Complaints filed against the Applicant with any state or federal regulatory commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered:

None

15. Tariff

A copy of Applicant's proposed tariff is attached hereto as Exhibit E.

WHEREFORE, the undersigned Applicant requests that the South Dakota Public Utilities Commission enter an order granting this application.

DATED this 1st day of April, 1999.

erbia Network, Inc.

By: 
Lance J.M. Steinhart, Its Counsel

6455 East Johns Crossing
Suite 285
Duluth, Georgia 30097
(770) 232-9200

STATE OF VIRGINIA

COUNTY OF FAIRFAX

Richard J. Gibbs, being first duly sworn, deposes and says that he is the President of erbia Network, Inc., the Applicant in the proceeding entitled above, that he has read the foregoing application and knows the contents thereof; that the same are true of his knowledge, except as to matters which are therein stated on information or belief, and to those matters he believes them to be true.

Richard J. Gibbs
Richard J. Gibbs

Subscribed and sworn to before this 5th day of March, 1999.

[Signature]
Notary Public

My Commission expires: March 31, 2002

SD

LIST OF EXHIBITS

- A - ARTICLES OF INCORPORATION
- B - CERTIFICATE OF AUTHORITY
- C - MARKETING MATERIAL
- D - FINANCIAL INFORMATION
- E - PROPOSED TARIFF

EXHIBIT A - 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 "ERBLA NETWORK, INC.", FILED IN THIS OFFICE ON THE THIRD DAY OF FEBRUARY, A.D. 1999, AT 5 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



3000867 8100
991044355



Edward J. Freel, Secretary of State

AUTHENTICATION: 9557699
DATE: 02-03-99

CERTIFICATE OF INCORPORATION

erbia Network, Inc.

FIRST: The name of the corporation (herein referred to as the "Corporation") is: erbia Network, Inc.

SECOND: The address of the registered office of the Corporation in the State of Delaware is 1013 Centre Road, in the City of Wilmington, County of New Castle, 19805. The name of its registered agent at such address is Corporation Service Company.

THIRD: The purposes of the Corporation are to engage in, promote, conduct and carry on any lawful acts or activities for which corporations may be organized under the Delaware General Corporation Law (the "DGCL").

FOURTH: The total number of shares of stock which the Corporation shall have authority to issue is one thousand (1,000) shares of Common Stock of the par value of One Cent (\$0.01) per share, amounting in the aggregate to Ten Dollars (\$10.00).

FIFTH: The name and mailing address of the sole incorporator are: Marian T. Lobl, 1615 L Street, N.W., Suite 400, Washington, D.C. 20036.

SIXTH: Elections of directors need not be by written ballot unless otherwise provided in the Bylaws of the Corporation.

SEVENTH: The number of directors of the Corporation shall be such number as from time to time shall be fixed by, or in the manner provided in, the Bylaws of the Corporation. None of the directors need be a stockholder or a resident of the State of Delaware.

EIGHTH: No director shall be personally liable to the Corporation or any of its stockholders for any monetary damages for any breach of fiduciary duty by such director as a director. Notwithstanding the foregoing sentence, a director shall be liable to the extent provided by applicable law (i) for breach of the director's duty of loyalty to the Corporation or its stockholders, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (iii) pursuant to Section 174 of the DGCL or (iv) for any transaction from which the director derived an improper personal benefit. All references in this paragraph to a director shall also be deemed to refer to any other person who, pursuant to a provision of the certificate of incorporation and in accordance with subsection (a) of § 141 of the DGCL, exercises or performs any of the powers or duties otherwise conferred or imposed upon the board of directors by the DGCL. No amendment to or repeal of this Article EIGHTH shall apply to or have any effect on the liability or alleged liability of any director of the Corporation for or with respect to any acts or omissions of such director occurring prior to such amendment.

NINTH: In furtherance and not in limitation of the rights, powers, privileges and discretionary authority granted or conferred by the DGCL or other statutes or laws of the State of Delaware, the Board of Directors is expressly authorized:

- A. To make, amend, alter or repeal the Bylaws of the Corporation;
- B. To authorize and cause to be executed mortgages and liens upon the real and personal property of the Corporation;
- C. To set apart out of any funds of the Corporation available for dividends, a reserve or reserves for any proper purpose and to reduce any such reserve in the manner in which it was created; and
- D. To adopt from time to time Bylaw provisions with respect to indemnification of directors, officers, employees, agents and other persons as it shall deem expedient and in the best interests of the Corporation and to the extent permitted by law.

TENTH: The books of the Corporation may be kept (subject to any provision contained in the statutes) outside the State of Delaware at such place or places as may be designated from time to time by the Board of Directors or in the Bylaws of the Corporation.

ELEVENTH: The Corporation reserves the right to amend, alter, change or repeal any provisions herein contained, in the manner now or hereafter prescribed by statute, and all rights, powers, privileges and discretionary authority granted or conferred herein upon stockholders or directors are granted subject to this reservation.

The undersigned, being the sole incorporator hereinbefore named, for the purpose of forming a corporation pursuant to the DGCL, does make this Certificate of Incorporation, hereby declaring, affirming, acknowledging and certifying, under penalties of perjury, that this is the act and deed of the undersigned and that the facts stated herein are true, and accordingly has hereunto set her hand this 3rd day of February, 1999.

SOLE INCORPORATOR



Marian T. Lobl

EXHIBIT B - CERTIFICATE OF AUTHORITY

EXHIBIT C - MARKETING MATERIAL

EXHIBIT D - FINANCIAL INFORMATION



ROSS, LANGAN &
McKENDREE, L.L.P.
CERTIFIED PUBLIC ACCOUNTANTS

6829 ELM STREET • McLEAN, VIRGINIA 22101-3845 • (703) 893-2660 • FAX (703) 893-2123

THOMAS P. LANGAN, CPA, CFP
KENNETH C. MCKENDREE, CPA
KAREN L. KOPPELDO, CPA
JEFFREY P. WYDEN, CPA
MARY F. CONVERSE, CPA
FRANK G. LINDAN, CPA
MARK D. MYERS, CPA

IRVING B. ROSE, CPA, Consultant
DORIS COOK ROSE, CFP, Consultant

ACCOUNTANT'S COMPILATION REPORT

The Board of Directors
erbia Network, Inc.
McLean, VA 22101

We have compiled the accompanying balance sheet of erbia Network, Inc. (a development stage company) as of March 31, 1999, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the accompanying balance sheet and, accordingly, do not express an opinion or any other form of assurance on it.

Management has elected to omit substantially all of the disclosures required by generally accepted accounting principles. If the omitted disclosures were included with the balance sheet, they might influence the user's conclusions about the Company's financial position. Accordingly, this balance sheet is not designed for those who are not informed about such matters.

We are not independent with respect to erbia Network, Inc.

Ross Langan McKendree LLP
CERTIFIED PUBLIC ACCOUNTANTS

March 31, 1999



erbia Network, Inc.

March 31, 1999

**These financial statements
may be reproduced only
in their entirety.**

erbla Network, Inc. (A Development Stage Company)

Balance Sheet

As of March 31, 1999

03/01/99

	<u>Mar 31, '99</u>
ASSETS	
Current Assets	
Checking/Savings	
1120 - Cash & Equivalents	
1120-01 - Cash - Operating	250,000.00
Total 1120 - Cash & Equivalents	<u>250,000.00</u>
Total Checking/Savings	<u>250,000.00</u>
Total Current Assets	<u>250,000.00</u>
TOTAL ASSETS	<u><u>250,000.00</u></u>
LIABILITIES & EQUITY	
Equity	
Net Income	-34,243.00
4510 - Capital Stock	<u>284,243.00</u>
Total Equity	<u>250,000.00</u>
TOTAL LIABILITIES & EQUITY	<u><u>250,000.00</u></u>

EXHIBIT E - PROPOSED TARIFF

ERBIA NETWORK, INC.

ORIGINAL SHEET 1

SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

TITLE SHEET

SOUTH DAKOTA TELECOMMUNICATIONS TARIFF

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service or facilities for Telecommunications Services furnished by erbia Network, Inc. ("ENI"), with principal offices at 1483 Chain Bridge Road, Suite 300, McLean, Virginia 22101. This tariff applies for services furnished within the State of South Dakota. This tariff is on file with the South Dakota Public Utilities Commission, and copies may be inspected, during normal business hours, at the company's principal place of business.

ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

ERBIA NETWORK, INC.

ORIGINAL SHEET 2

SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

RESERVED FOR FUTURE USE

ISSUED: March 1, 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

EFFECTIVE: , 1999

TELECOMMUNICATIONS SERVICES TARIFFCHECK SHEET

The Sheets of this tariff are effective as of the date shown at the bottom of the respective sheet(s). Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date on the bottom of this sheet.

<u>SHEET</u>	<u>REVISION</u>
1	Original
2	Original
3	Original
4	Original
5	Original
6	Original
7	Original
8	Original
9	Original
10	Original
11	Original
12	Original
13	Original
14	Original
15	Original
16	Original
17	Original
18	Original
19	Original
20	Original
21	Original
22	Original
23	Original
24	Original
25	Original
26	Original
27	Original
28	Original
29	Original
30	Original
31	Original
32	Original

* New or Revised Sheet

ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

TELECOMMUNICATIONS SERVICES TARIFF

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ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
 1483 Chain Bridge Road, Suite 300
 McLean, Virginia 22101

TARIFF FORMAT

A. Sheet Numbering: Sheet numbers appear in the upper right corner of the page. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between pages 11 and 12 would be page 11.1.

B. Sheet Revision Numbers: Revision numbers also appear in the upper right corner of each sheet where applicable. These numbers are used to indicate the most current page version on file with the Commission. For example, 4th Revised Sheet 13 cancels 3rd Revised Sheet 13. Consult the Check Sheet for the sheets 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).I
- 2.1.1.A.1.(a).I.(i)
- 2.1.1.A.1.(a).I.(i).(1)

D. Check Sheets: When a tariff filing is made with the Commission, an updated Check Sheet accompanies the tariff filing. The Check Sheet lists the sheets contained in the tariff, with a cross reference to the current Revision Number. When new sheets 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 sheet if these are the only changes made to it (i.e., the format, etc. remains the same, just revised revision levels on some sheets). The tariff user should refer to the latest Check Sheet to find out if a particular sheet is the most current on Commission file.

ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

TELECOMMUNICATIONS SERVICES TARIFF

SYMBOLS

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

- (C) to signify change in regulation
- (D) to signify a deletion
- (I) to signify a rate increase
- (L) to signify material relocated in the tariff
- (N) to signify a new rate or regulation
- (R) to signify a rate reduction
- (T) to signify a change in text, but no change in rate or regulation

ISSUED: March 1, 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

EFFECTIVE: , 1999

TELECOMMUNICATIONS SERVICES TARIFF

SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

Access Line - An arrangement from a local exchange telephone company or other common carrier, using either dedicated or switched access, which connects a Customer's location to ENI's location or switching center.

Authorization Code - A numerical code, one or more of which may be assigned to a Customer, to enable ENI to identify the origin of the Customer so it may rate and bill the call. Automatic number identification (ANI) is used as the authorization code wherever possible.

Commission - Used throughout this tariff to mean the South Dakota Public Utilities Commission.

Customer - The person, firm, corporation or other legal entity which orders the services of ENI and is responsible for the payment of charges and for compliance with the Company's tariff regulations.

Company or ENI - Used throughout this tariff to mean erbia Network, Inc., a Delaware corporation.

Dedicated Access - The Customer gains entry to the Company's services by a direct path from the Customer's location to the Company's point of presence.

Holiday - New Year's Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Holidays shall be billed at the evening rate from 8 a.m. to 11 p.m. After 11 p.m., the lower night rate shall go into effect.

ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

TELECOMMUNICATIONS SERVICES TARIFF

Resp. Org - Responsible Organization or entity identified by an 800 service Customer that manages and administers records in the 800 database and management system.

Switched Access - The Customer gains entry to the Company's services by a transmission line that is switched through the local exchange carrier to reach the Company's point of presence.

Telecommunications - The transmission of voice communications or, subject to the transmission capabilities of the services, the transmission of data, facsimile, signaling, metering, or other similar communications.

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

ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

TELECOMMUNICATIONS SERVICES TARIFFSECTION 2 - RULES AND REGULATIONS2.1 Undertaking of the Company

This tariff contains the regulations and rates applicable to intrastate resale telecommunications services provided by ENI for telecommunications between points within the State of South Dakota. Resale services are furnished subject to the availability of facilities and subject to the terms and conditions of this tariff in compliance with limitations set forth in the Commission's rules. The Company's services are provided on a statewide basis and are not intended to be limited geographically. The Company offers service to all those who desire to purchase service from the Company consistent with all of the provisions of this tariff. Customers interested in the Company's services shall file a service application with the Company which fully identifies the Customer, the services requested and other information requested by the Company. The Company reserves the right to examine the credit record and check the references of all applicants and Customers. The Company may examine the credit profile/record of any applicant prior to accepting the service order. The service application shall not in itself obligate the Company to provide services or to continue to provide service if a later check of applicant's credit record is, in the opinion of the Company, contrary to the best interest of the Company. The Company may act as the Customer's agent for ordering access connection facilities provided by other carriers or entities when authorized by the Customer, to allow connection of a Customer's location to a service provided by the Company. The Customer shall be responsible for all charges due for such service arrangement.

ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

TELECOMMUNICATIONS SERVICES TARIFF

- 2.1.1 The services provided by ENI are not part of a joint undertaking with any other entity providing telecommunications channels, facilities, or services, but may involve the resale of the Message Toll Services (MTS) and Wide Area Telecommunications Services (WATS) of underlying common carriers subject to the jurisdiction of this Commission.
- 2.1.2 The rates and regulations contained in this tariff apply only to the resale services furnished by ENI and do not apply, unless otherwise specified, to the lines, facilities, or services provided by a local exchange telephone company or other common carriers for use in accessing the services of ENI.
- 2.1.3 The Company reserves the right to limit the length of communications, to discontinue furnishing services, or limit the use of service necessitated by conditions beyond its control, including, without limitation: lack of satellite or other transmission medium capacity; the revision, alteration or repricing of the Underlying Carrier's tariffed offerings; or when the use of service becomes or is in violation of the law or the provisions of this tariff.

2.2 Use of Services

- 2.2.1 ENI's services may be used for any lawful purpose consistent with the transmission and switching parameters of the telecommunications facilities utilized in the provision of services, subject to any limitations set forth in this Section 2.2.
- 2.2.2 The use of ENI's services to make calls which might reasonably be expected to frighten, abuse, torment, or harass another or in such a way as to unreasonably interfere with use by others is prohibited.

ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

TELECOMMUNICATIONS SERVICES TARIFF

- 2.2.3 The use of ENI's services without payment for service or attempting to avoid payment for service by fraudulent means or devices, schemes, false or invalid numbers, or false calling or credit cards is prohibited.
- 2.2.4 ENI's services are available for use twenty-four hours per day, seven days per week.
- 2.2.5 ENI does not transmit messages, but the services may be used for that purpose.
- 2.2.6 ENI's services may be denied for nonpayment of charges or for other violations of this tariff.
- 2.2.7 Customers shall not use the service provided under this tariff for any unlawful purpose.
- 2.2.8 The Customer is responsible for notifying the Company immediately of any unauthorized use of services.
- 2.3 Liability of the Company
- 2.3.1 The Company shall not be liable for any claim, loss, expense or damage for any interruption, delay, error, omission, or defect in any service, facility or transmission provided under this tariff, if caused by the Underlying Carrier, an act of God, fire, war, civil disturbance, act of government, or due to any other causes beyond the Company's control.
- 2.3.2 The Company shall not be liable for, and shall be fully indemnified and held harmless by the Customer against any claim, loss, expense, or damage for defamation, libel, slander, invasion, infringement of copyright or patent, unauthorized use of any trademark, trade name or service mark, proprietary or creative right, or any other injury to any person, property or entity arising out of the material, data or information transmitted.

ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

ERBLA NETWORK, INC.

ORIGINAL SHEET 12

SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

- 2.3.3 No agent or employee of any other carrier or entity shall be deemed to be an agent or employee of the Company.
- 2.3.4 Reserved for Future Use
- 2.3.5 Reserved for Future Use
- 2.3.6 Reserved for Future Use

ISSUED: March 1, 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

EFFECTIVE: , 1999

2.3.7 The remedies set forth herein are exclusive and in lieu of all other warranties and remedies, whether express, implied, or statutory, INCLUDING WITHOUT LIMITATION IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

2.4 Responsibilities of the Customer

- 2.4.1 The Customer is responsible for placing any necessary orders and complying with tariff regulations. The Customer is also responsible for the payment of charges for services provided under this tariff.
- 2.4.2 The Customer is responsible for charges incurred for special construction and/or special facilities which the Customer requests and which are ordered by ENI on the Customer's behalf.
- 2.4.3 If required for the provision of ENI's services, the Customer must provide any equipment space, supporting structure, conduit and electrical power without charge to ENI.
- 2.4.4 The Customer is responsible for arranging access to its premises at times mutually agreeable to ENI and the Customer when required for ENI personnel to install, repair, maintain, program, inspect or remove equipment associated with the provision of ENI's services.
- 2.4.5 The Customer shall cause the temperature and relative humidity in the equipment space provided by Customer for the installation of ENI's equipment to be maintained within the range normally provided for the operation of microcomputers.

ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

TELECOMMUNICATIONS SERVICES TARIFF

- 2.4.6 The Customer shall ensure that the equipment and/or system is properly interfaced with ENI's facilities or services, that the signals emitted into ENI's network are of the proper mode, bandwidth, power and signal level for the intended use of the subscriber and in compliance with criteria set forth in this tariff, and that the signals do not damage equipment, injure personnel, or degrade service to other Customers. If the Federal Communications Commission or some other appropriate certifying body certifies terminal equipment as being technically acceptable for direct electrical connection with interstate communications service, ENI will permit such equipment to be connected with its channels without the use of protective interface devices. If the Customer fails to maintain the equipment and/or the system properly, with resulting imminent harm to ENI equipment, personnel or the quality of service to other Customers, ENI may, upon written notice, require the use of protective equipment at the Customer's expense. If this fails to produce satisfactory quality and safety, ENI may, upon written notice, terminate the Customer's service.
- 2.4.7 The Customer must pay ENI for replacement or repair of damage to the equipment or facilities of ENI caused by negligence or willful act of the Customer or others, by improper use of the services, or by use of equipment provided by Customer or others.
- 2.4.8 The Customer must pay for the loss through theft of any ENI equipment installed at Customer's premises.
- 2.4.9 If ENI installs equipment at Customer's premises, the Customer shall be responsible for payment of any applicable installation charge.

ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

TELECOMMUNICATIONS SERVICES TARIFF

- 2.4.10 The Customer must use the services offered in this tariff in a manner consistent with the terms of this tariff and the policies and regulations of all state, federal and local authorities having jurisdiction over the service.

2.5 Cancellation or Interruption of Services

- 2.5.1 Without incurring liability, upon five (5) working days' (defined as any day on which the company's business office is open and the U.S. Mail is delivered) written notice to the Customer, ENI may immediately discontinue services to a Customer or may withhold the provision of ordered or contracted services:
- 2.5.1.A For nonpayment of any sum due ENI for more than thirty (30) days after issuance of the bill for the amount due, unless the charge is in dispute;
 - 2.5.1.B For violation of any of the provisions of this tariff,
 - 2.5.1.C For violation of any law, rule, regulation, policy of any governing authority having jurisdiction over ENI's services, or
 - 2.5.1.D By reason of any order or decision of a court, public service commission or federal regulatory body or other governing authority prohibiting ENI from furnishing its services.

ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

TELECOMMUNICATIONS SERVICES TARIFF

- 2.5.2 Without incurring liability, ENI may interrupt the provision of services at any time in order to perform tests and inspections to assure compliance with tariff regulations and the proper installation and operation of Customer and ENI's equipment and facilities and may continue such interruption until any items of noncompliance or improper equipment operation so identified are rectified.
- 2.5.3 Service may be discontinued by ENI without notice to the Customer, by blocking traffic to certain countries, cities or NXX exchanges, or by blocking calls using certain Customer authorization codes, when ENI deems it necessary to take such action to prevent unlawful use of its service. ENI will restore service as soon as it can be provided without undue risk, and will, upon request by the Customer affected, assign a new authorization code to replace the one that has been deactivated.
- 2.5.4 The Customer may terminate service upon thirty (30) days written notice for the Company's standard month to month contract. Customer will be liable for all usage on any of the Company's service offerings until the Customer actually leaves the service. Customers will continue to have Company usage until the Customer notifies its local exchange carrier and changes its long distance carrier. Until the Customer so notifies its local exchange carrier, it shall continue to generate and be responsible for long distance usage.

ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

2.6 Credit Allowance

- 2.6.1 Credit may be given for disputed calls, on a per call basis.
- 2.6.2 Credit shall not be issued for unavailability of long distance services.

ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

TELECOMMUNICATIONS SERVICES TARIFF

2.7 Restoration of Service

The use and restoration of service shall be in accordance with the priority system specified in part 64, Subpart D of the Rules and Regulations of the Federal Communications Commission.

2.8 Deposit

The Company does not require deposits to commence service.

2.9 Advance Payments

ENI does not require advance payments.

ISSUED: March 1, 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

EFFECTIVE: , 1999

TELECOMMUNICATIONS SERVICES TARIFF2.10 Payment and Billing

- 2.10.1 Service is provided and billed on a billing cycle basis, beginning on the date that service becomes effective. Billing is payable upon receipt. A late fee will be assessed on unpaid amounts 30 days after rendition of bills.
- 2.10.2 The customer is responsible for payment of all charges for services furnished to the Customer, as well as to all persons using the Customer's codes, exchange lines, facilities, or equipment, with or without the knowledge or consent of the Customer. The security of the Customer's Authorization Codes, subscribed exchange lines, and direct connect facilities is the responsibility of the Customer. All calls placed using direct connect facilities, subscribed exchange lines, or Authorization Codes will be billed to and must be paid by the Customer. Recurring charges and non-recurring charges are billed in advance. Charges based on actual usage during a month and any accrued interest will be billed monthly in arrears.
- 2.10.3 All bills are presumed accurate, and shall be binding on the customer unless objection is received by the Company in writing within 180 days after such bills are rendered. No credits, refunds, or adjustments shall be granted if demand therefore is not received by the Company in writing within such 180 day period.

ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

TELECOMMUNICATIONS SERVICES TARIFF**2.11 Collection Costs**

In the event Company is required to initiate legal proceedings to collect any amounts due to Company for regulated or non-regulated services, equipment or facilities, or to enforce any judgment obtained against a Customer, or for the enforcement of any other provision of this tariff or applicable law, Customer shall, in addition to all amounts due, be liable to Company for all reasonable costs incurred by Company in such proceedings and enforcement actions, including reasonable attorneys' fees, collection agency fees or payments, and court costs. In any such proceeding, the amount of collection costs, including attorneys' fees, due to the Company, will be determined a court of competent jurisdiction or by the Commission.

2.12 Taxes

All federal, state and local taxes, assessments, surcharges, or fees, including sales taxes, use taxes, gross receipts taxes, and municipal utilities taxes, are billed as separate line items and are not included in the rates quoted herein.

2.13 Late Charge

A late fee of 1.5% per month or the amount otherwise authorized by law, whichever is lower, will be charged on any past due balances.

2.14 Returned Check Charge

A fee of \$20.00 will be charged whenever a check or draft presented for payment for service is not accepted by the institution on which it is written.

ISSUED: March 1, 1995

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

TELECOMMUNICATIONS SERVICES TARIFF

SECTION 3 - DESCRIPTION OF SERVICE

3.1 Computation of Charges

3.1.1 The total charge for each completed call may be a variable measured charge dependent on the duration, distance and time of day of the call. The total charge for each completed call may also be dependent only on the duration of the call, i.e. a statewide flat rate per minute charge. The variable measured charge is specified as a rate per minute which is applied to each minute. All calls are measured in increments as set forth in the Rates Section of this tariff. All calls are rounded up to the next whole increment.

3.1.2 Where mileage bands appear in a rate table, rates for all calls are based upon the airline distance between the originating and terminating points of the call, as determined by the vertical and horizontal coordinates associated with the exchange (the area code and three digit central office code) associated with the originating and terminating telephone numbers. If the Customer obtains access to the Company's network by a dedicated access circuit, that circuit will be assigned an exchange for rating purposes based upon the Customer's main telephone number at the location where the dedicated access circuit terminates. The vertical and horizontal (V & H) coordinates for each exchange and the airline distance between them will be determined according to industry standards.

ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

TELECOMMUNICATIONS SERVICES TARIFF

3.1.3 Timing begins when the called station is answered and two way communication is possible, as determined by standard industry methods generally in use for ascertaining answer, including hardware answer supervision in which the local telephone company sends a signal to the switch or the software utilizing audio tone detection. Recognition of answer supervision is the responsibility of the Underlying Carrier. Timing for each call ends when either party hangs up. ENI will not bill for uncompleted calls.

3.2 Customer Complaints and/or Billing Disputes

Customer inquiries or complaints regarding service or accounting may be made in writing or by telephone to the Company at:

1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101
(800) 806-0039

Any objection to billed charges should be reported promptly to ENI. Adjustments to Customers' bills shall be made to the extent that records are available and/or circumstances exist which reasonably indicate that such charges are not in accordance with approved rates or that an adjustment may otherwise be appropriate.

ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

TELECOMMUNICATIONS SERVICES TARIFF

The Company will respond within seventy two (72) hours of receipt of an inquiry. If the Customer is dissatisfied with the Company's response to a complaint or inquiry, the Customer may file the Commission for resolution of the conflict. The South Dakota Public Utilities Commission can be reached at:

500 East Capitol
Pierre, SD 57501-5070
(605) 773-3201
(800) 332-1782
TTY through Relay Service South Dakota-
(800) 877-1113

If a Customer accumulates more than One Dollar of undisputed delinquent ENI 800 Service charges, the ENI Resp. Org. reserves the right not to honor that Customer's request for a Re p. Org. change until such undisputed charges are paid in full.

3.3 Level of Service

A Customer can expect end to end network availability of not less than 99% at all times for all services.

3.4 Billing Entity Conditions

When billing functions on behalf of ENI or its intermediary are performed by local exchange telephone companies or others, the payment of charge conditions and regulations of such companies and any regulations imposed upon these companies by regulatory bodies having jurisdiction apply. ENI's name and toll-free telephone number will appear on the Customer's bill.

ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

TELECOMMUNICATIONS SERVICES TARIFF**3.5 Service Offerings****3.5.1 1+ Dialing**

This service permits Customers to originate call via switched or dedicated access lines, and to terminate intrastate calls. The customer dials "1+" followed by "ten digits" or dials "101XXXX" followed by "1+ ten digits".

3.5.2 Travel Cards

The Customer utilizes an 11 digit "toll-free" access number established by the Company to access a terminal. Upon receiving a voice prompt, the Customer uses push button dialing to enter an identification code assigned by the Company, and the ten digit number of the called party.

3.5.3 800 Service (Toll-Free)

This service is inbound calling only where an 800, 888 or other toll-free prefix number rings into a Customer's premise routed to a specific telephone number or terminated over a dedicated facility.

ISSUED: March 1, 1999**EFFECTIVE: , 1999****ISSUED BY:**

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

ERBIA NETWORK, INC.

ORIGINAL SHEET 25

SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

3.5.4 Reserved for Future Use

ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

ERBIA NETWORK, INC.

ORIGINAL SHEET 26

SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

Reserved for Future Use

ISSUED: March 1, 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

EFFECTIVE: , 1999

TELECOMMUNICATIONS SERVICES TARIFF

3.5.5 Directory Assistance.

Access to long distance directory assistance is obtained by dialing 1 + 555-1212 for listings within the originating area code and 1 + (area code) + 555-1212 for other listings. When more than one number is requested in a single call, a charge will apply for each number requested. A charge will be applicable for each number requested, whether or not the number is listed or published.

ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

TELECOMMUNICATIONS SERVICES TARIFF

3.5.6 Specialized Pricing Arrangements.

Customized service packages and competitive pricing packages at negotiated rates may be furnished on a case-by-case basis in response to requests by Customers to the Company for proposals or for competitive bids. Service offered under this tariff provision will be filed with the Commission. Specialized rates or charges will be made available to similarly situated Customers on a non-discriminatory basis. The Company will notify the Commission of such arrangements as required by Commission rules and regulations.

3.5.7 Emergency Call Handling Procedures

Emergency "911" calls are not routed to company, but are completed through the local network at no charge.

3.5.8 Promotional Offerings

The Company may, from time to time, make promotional offerings to enhance the marketing of its services. These offerings may be limited to certain dates, times and locations. The Company will notify the Commission of such offerings as required by Commission rules and regulations.

ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

SECTION 4 - RATES

4.1 1+ Dialing

\$0.142 per minute

A \$4.95 per month service charge applies.
Billed in six second increments, 18 second minimum per call

4.2 Travel Cards

\$.15 per minute

A \$.35 per call service charge applies.
Billed in six second increments, 18 second minimum per call

ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

TELECOMMUNICATIONS SERVICES TARIFF

4.3 Toll Free

\$0.142 per minute

A \$10 per month per number service charge applies.
Billed in six second increments, 18 second minimum per call

4.4 Reserved for Future Use

ISSUED: March 1, 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

EFFECTIVE: , 1999

ERBIA NETWORK, INC.

ORIGINAL SHEET 31
SOUTH DAKOTA PUC TARIFF NO. 1
TELECOMMUNICATIONS SERVICES TARIFF

4.5 Directory Assistance

\$.95

4.6 Returned Check Charge

\$20.00

ISSUED: March 1, 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

EFFECTIVE: , 1999

TELECOMMUNICATIONS SERVICES TARIFF**4.7 Rate Periods**

	Monday - Friday	Sat.	Sun.
8 a.m. to 5 p.m.*	Daytime Rate Period		
5 p.m. to 11 p.m.*	Evening Rate Period		Evening Rate Period
11 p.m. to 8 a.m.*	Night/Weekend Rate Period		

* To, but not including

When a message spans more than one rate period, total charges for the minutes in each rate period are calculated and the results for each rate period are totaled to obtain the total message charge. If the calculation results in a fractional charge, the amount will be rounded down to the lower cent.

4.8 Payphone Dial Around Surcharge

A dial around surcharge of \$.35 per call will be added to any completed INTRASTATE toll access code and subscriber 800/888 type calls placed from a public or semi-public payphone.

4.9 Universal Service Fund Assessment & Presubscribed Interexchange Carrier Charge

The Customer will be assessed a monthly federal Universal Service Fund Contribution charge on all telecommunications services, which in no event shall be less than the prevailing contribution percentage rate charged the Company on intrastate traffic by the Universal Service Administrative Company (or any successor). A Presubscribed Interexchange Carrier Charge ("PICC") applies on a monthly basis to all Customer monthly bills at the prevailing rate.

ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

1080

ERBLA, INC.
1483 CHAM BRIDGE RD., STE. 300
MC LEAN, VA. 22101

DATE 2/24/99

88-1077980

PAY TO THE
ORDER OF

South Dakota Public Utilities Commission

\$ 250.00

Two hundred fifty dollars and 00/100

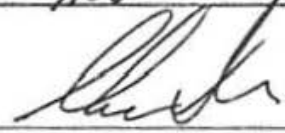
DOLLARS

CREDIT

Creditor Bank:
Abundant Virginia

FOR

taking fee



⑆00001080⑆ +⑆056001079⑆ 202966356⑆

South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of April 1, 1999 through April 7, 1999

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please
contact Delaine Kolbo within five business days of this filing.
Phone: 605-773-3705 Fax: 605-773-3809

TELECOMMUNICATIONS

**TC99-031 In the Matter of the Filing by FiberComm, L.C. for an Exemption from
Developing Company Specific Cost-Based Switched Access Rates.**

FiberComm, L.C. has filed, pursuant to ARSD 20:10:27, a petition to be exempted from the requirement of developing intrastate switched access rates based on company specific costs. FiberComm, L.C. has also filed a proposed switched access tariff.

Staff Analyst: Michele Farris
Staff Attorney: Karen Cremer
Date Filed: 04/01/99
Intervention Deadline: 04/23/99

**TC99-032 In the Matter of the Filing for Approval of an Interconnection Agreement
between City of Hawarden and Heartland Telecommunications Company of
Iowa.**

Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than April 28, 1999. Parties to the agreement may file written responses to the comments within twenty days of service of the comments.

Staff Analyst: Harian Best
Staff Attorney: Camron Hoseck
Date Filed: 04/01/99
Comments Due: 04/28/99

**TC99-033 In the Matter of the Application of The Free Network, L.L.C. for a Certificate
of Authority to Provide Telecommunications Services in South Dakota.**

The Free Network, L.L.C. proposes to offer resold intrastate long distance services to the public on a statewide basis in the state of South Dakota. The services to be provided are Message Toll Service, Incoming 800/888 and Travel Card services.

Staff Analyst: Harlan Best
Staff Attorney: Camron Hoseck
Date Filed: 04/01/99
Intervention Deadline: 04/23/99

TC99-034 In the Matter of the Application of erbia Network, Inc. for a Certificate of Authority to Provide Telecommunications Services in South Dakota.

Application of erbia Network, Inc. for a Certificate of Authority to provide intrastate telecommunications services in South Dakota. erbia is proposing to offer interexchange 1+ and 101XXXX direct outbound dialing, 800/888 toll free inbound dialing and travel card services in South Dakota.

Staff Analyst: Dave Jacobson
Staff Attorney: Karen Cremer
Date Filed: 04/02/99
Intervention Deadline 04/23/99

TC99-035 In the Matter of the Application of Blackstone Communications Company for a Certificate of Authority to Provide Telecommunications Services in South Dakota.

Blackstone Communications Company is a reseller which intends to offer 1+ and 101XXXX direct outbound dialing, 800/888 toll-free inbound dialing, travel card and prepaid calling card service.

Staff Analyst: Keith Senger
Staff Attorney: Karen Cremer
Date Filed: 04/07/99
Intervention Deadline: 04/23/99

You may receive this listing and other PUC publications via our website or via internet e-mail. You may subscribe or unsubscribe to the PUC mailing lists at <http://www.state.sd.us/puc/>

RECEIVED

APR 15 1999

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Lance J.M. Steinhart
Attorney At Law
6455 East Johns Crossing
Suite 285
Duluth, Georgia 30097

Also Admitted in New York
and Maryland

Telephone: (770) 232-9200
Facsimile: (770) 232-9208

April 14, 1999

VIA AIRBORNE EXPRESS

Mr. William Bullard
Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501-5070
(605) 773-3201

Re: erbia Network, Inc.
Docket No. TC99-034

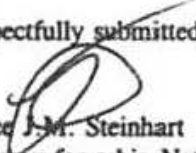
Dear Mr. Bullard:

Enclosed please find for filing eleven (11) copies of erbia Network, Inc.'s Certificate of Authority issued by the Secretary of State.

I have also enclosed an extra copy of this cover letter to be date stamped and returned to me in the enclosed self-addressed prepaid envelope.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me.

Respectfully submitted,


Lance J.M. Steinhart
Attorney for erbia Network, Inc.

Enclosures

cc: Richard J. Gibbs

State of South Dakota

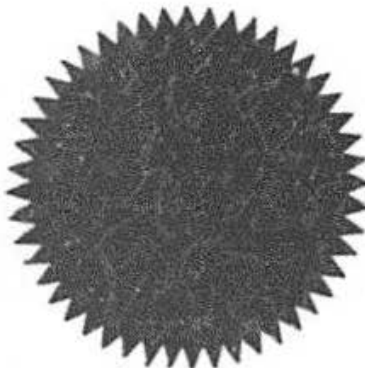


OFFICE OF THE SECRETARY OF STATE

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 ERBIA NETWORK, INC. (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.



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 April 6, 1999.

JOYCE HAZELTINE
Secretary of State

Secretary of State

State Capitol, Ste 204
500 East Capitol Avenue
Pierre, South Dakota
57501-5070
sdsos@state.sd.us



JOYCE HAZELTINE
Secretary of State

TOM LECKEY
Deputy

FROM: Joyce Hazeltine, Secretary of State
Corporations

RE: FOREIGN CORPORATION

The application for certificate of authority has been received and filed on behalf of the name enclosed.

Enclosed is the Certificate attached to the duplicate application along with a receipt for the filing fee.

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 report is due the year following qualification. An annual report form will be mailed to the corporate address listed in number five on the application for timely filing. Please contact our office if the corporate address changes or if the form is not received.

Thank you.

<http://www.state.sd.us/sos/sos.htm>

Administration
(605) 773-3537
Fax (605) 773-6580
TDD (605) 773-5010

Corporations
(605) 773-4845
Fax (605) 773-4550

Uniform Commercial Code
(605) 773-4422
Fax (605) 773-4550

SOUTH DAKOTA SECRETARY OF STATE

OFFICIAL RECEIPT

NUMBER 785244

FORM OF PAYMENT CHECK
CHECK NBR 1055

DATE 04/08/1999
AMOUNT \$ 90.00
BY STKEWAR

ERBIA NETWORK, INC.
1013 CENTRE ROAD
WILMINGTON DE 19805

THIS RECEIPT IS IN REFERENCE TO:
ERBIA NETWORK, INC.

TRANSACTION DESCRIPTION

AMOUNT

CERTIFICATE OF AUTHORITY.....S

90.00

TC99-034
RECEIVED

MAY 11 1999

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Telephone: (770) 232-9200
Facsimile: (770) 232-9208

Lance J.M. Steinhart
Attorney At Law
6455 East Johns Crossing
Suite 285
Duluth, Georgia 30097

May 8, 1999

Also Admitted in New York
and Maryland

VIA AIRBORNE EXPRESS

Mr. Dave Jacobson
Utility Analyst
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501-5070

Re: erbia Network, Inc.

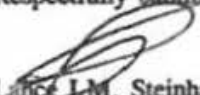
Dear Dave:

Pursuant to your letter dated April 13, 1999, enclosed please find for filing an original and four (4) copies of revised tariff sheets 17 and 20 for erbia Network, Inc.

I have also enclosed an extra copy of this cover letter to be date stamped and returned to me in the enclosed self-addressed prepaid envelope.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me.

Respectfully submitted,


Lance J.M. Steinhart
Attorney for erbia Network, Inc.

Enclosures
cc: Richard J. Gibbs

ERBIA NETWORK, INC.

ORIGINAL SHEET 17
SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

2.6 Credit Allowance

2.6.1 Credit may be given for disputed calls, on a per call basis.

ISSUED: March 1, 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

EFFECTIVE: , 1999

TELECOMMUNICATIONS SERVICES TARIFF**2.11 Collection Costs**

In the event Company is required to initiate legal proceedings to collect any amounts due to Company for regulated or non-regulated services, equipment or facilities, or to enforce any judgment obtained against a Customer, or for the enforcement of any other provision of this tariff or applicable law, Customer shall, in addition to all amounts due, be liable to Company for all reasonable costs incurred by Company in such proceedings and enforcement actions, including reasonable attorneys' fees, collection agency fees or payments, and court costs. In any such proceeding, the amount of collection costs, including attorneys' fees, due to the Company, will be determined by a court of competent jurisdiction or by the Commission.

2.12 Taxes

All federal, state and local taxes, assessments, surcharges, or fees, including sales taxes, use taxes, gross receipts taxes, and municipal utilities taxes, are billed as separate line items and are not included in the rates quoted herein.

2.13 Late Charge

A late fee of 1.5% per month or the amount otherwise authorized by law, whichever is lower, will be charged on any past due balances.

2.14 Returned Check Charge

A fee of \$20.00 will be charged whenever a check or draft presented for payment for service is not accepted by the institution on which it is written.

ISSUED: March 1, 1999

EFFECTIVE: , 1999

ISSUED BY:

Richard J. Gibbs, President
1483 Chain Bridge Road, Suite 300
McLean, Virginia 22101

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

IN THE MATTER OF THE APPLICATION OF)
ERBIA NETWORK, INC. FOR A CERTIFICATE)
OF AUTHORITY TO PROVIDE)
TELECOMMUNICATIONS SERVICES IN)
SOUTH DAKOTA)

ORDER GRANTING
CERTIFICATE OF
AUTHORITY

TC99-034

On April 2, 1999, 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 erbia Network, Inc. (erbia).

erbia proposes to offer 1+ and 101XXXX direct outbound dialing, 800/888 toll-free inbound dialing, and travel card service. A proposed tariff was filed by erbia. The Commission has classified long distance service as fully competitive.

On April 8, 1999, the Commission electronically transmitted notice of the filing and the intervention deadline of April 23, 1999, to interested individuals and entities. No petitions to intervene or comments were filed and at its June 22, 1999, meeting, the Commission considered erbia'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 erbia has met the legal requirements established for the granting of a certificate of authority. erbia 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 erbia's application for a certificate of authority. As the Commission's final decision in this matter, it is therefore

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

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

Dated at Pierre, South Dakota, this 25th day of June, 1999.

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>William Kalbo</u>
Date: <u>6/25/99</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

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

CERTIFICATE OF AUTHORITY

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

Authority was Granted June 22, 1999
Docket No. TC99-034

This is to certify that

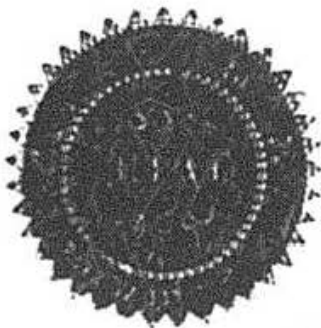
ERBIA NETWORK, INC.

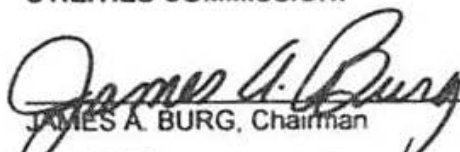
is authorized to provide telecommunications services in South Dakota.

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 25th day of June, 1999.

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION:





JAMES A. BURG, Chairman



PAM NELSON, Commissioner



LASKA SCHOENFELDER, Commissioner