

In the Matter of _____

IN THE MATTER OF THE
APPLICATION OF AVERA
COMMUNICATION, L.L.C. FOR A
CERTIFICATE OF AUTHORITY TO
PROVIDE LOCAL EXCHANGE
SERVICES IN SOUTH DAKOTA

Public Utilities Commission of the State of South Dakota

DATE

MEMORANDA

DATE	MEMORANDA
2/16 99	Filed and Docketed;
5/18 99	Public Hearing;
8/16 99	Supply Bond;
8/26 99	Order Granting COA;
8/26 99	Docket Closed.
8/21 06	Received New Bond



Travelers Casualty and Surety Company of America
Hartford, CT 06183

TC 99-083

RECEIVED

AUG 21 2006

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

License No. _____

CONTINUATION CERTIFICATE FIDELITY
OR SURETY BONDS/POLICIES

State 42-022-460453770E-st-01
Fed. 46-0453770
Doc # TC-99-083

In Consideration of 250.00 dollars renewal premium, the term of Bond/Policy No. 400JP9024 in the amount of \$25,000 issued on behalf of Avera Communications, LLC, whose address is PO Box 38, Yankton, SD 57078 in favor of the State of SD - Public Utilities Commission whose address is 500 E. Capitol, Pierre, SD 57501 in connection with License & Permit Bond to Operate a Telephone Company is hereby extended to August 5, 2007, subject to all the covenants and conditions of said bond/policy.

This certificate is designed to extend only the term of the bond/policy. It does not increase the amount which may be payable thereunder. The aggregate liability of the Company under the said bond/policy together with this certificate shall be exactly the same as, and no greater than it would have been, if the said bond/policy had originally been written to expire on the date to which it is now being extended.

Signed, sealed and dated August 10, 2006

Travelers Casualty and Surety Company of America

By: _____

Thomas Seyer - Attorney-in-Fact

AVERA COMMUNICATIONS, LLC

By: _____

Its Member



POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 215630

Certificate No. 000339005

KNOW ALL MEN BY THESE PRESENTS: That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Jim Harr, and Thomas Seyer

of the City of Aberdeen, State of South Dakota, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 1st day of May, 2006

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER



State of Connecticut
City of Hartford ss.

By: [Signature]
George W. Thompson, Senior Vice President

On this the 1st day of May, 2006, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2006.



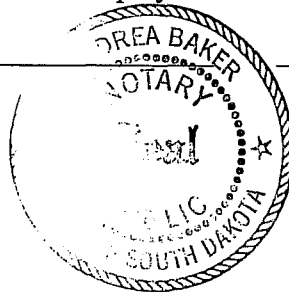
[Signature]
Marie C. Tetreault, Notary Public

ACKNOWLEDGEMENT OF ATTORNEY-IN-FACT

STATE OF SOUTH DAKOTA
COUNTY OF BROWN

On this 10th day of August, 2006, before me, a Notary Public, within and for said County and State, personally appeared Thomas Seyer to me personally known, and known to me to be the Attorney-in-Fact of and for the Travelers Casualty and Surety Company of America, a corporation, created, organized and existing under and by virtue of the laws of the State of Connecticut, upon oath did say that the corporate seal affixed to the attached instrument is the seal of the said Company; that the seal was affixed and the said instrument was executed by the authority of its Board of Directors; and he/she did also acknowledge that he/she executed the said instrument as the free act and deed of said Company.

Andrea Baker



6/25/09

My Commission Expires

RECEIVED

JUL 06 1999

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

VIA FEDERAL EXPRESS

July 2, 1999

**William Bullard
Executive Director
South Dakota Public Utilities Commission
500 E. Capitol Avenue
Pierre, SD 57501**

**Superior Consultant Company, Inc.
15995 N. Barkers Landing
Suite 111
Houston, TX 77079**

**(281) 597-1300
(281) 597-1493 Fax**

www.superiorconsultant.com

RE: Application for a Certificate of Operating Authority

Dear Mr. Bullard:

Enclosed please find the Application for a Certificate of Operating Authority to provide local exchange telephone service as a competitive local exchange carrier that we are filing on behalf of Avera Communication, L.L.C., a South Dakota Limited Liability Company. As technology consultants for Avera, we are assisting them in this process and will serve as the contact point with the Commission until such time as they have been approved and hire additional in house resources.

Should you have any questions regarding this application or require any further information for its processing, you may reach me at the following address and telephone number.

**Sev MacPete, Esq.
Senior Management Consultant
Superior Consultant Company, Inc.
3209 Felton Street
San Diego, CA 92104-4708
619-290-3088**

Very truly yours,

Sev MacPete
Sev MacPete (ijr)

CGDZANMUA GLEC APPL COVER LTR.DOC99J

Corporate Office

4099 Town Center, Suite 1100, Southfield, MI 48075
(248) 366-8300

AVERA COMMUNICATION

Application for a Certificate of Operating Authority to provide Local Exchange Service as a Competitive Local Exchange Carrier in US West territory in South Dakota

1. 20:19:32:03 (1) Legal Name and Address

**Avera Communication, L.L.C.
610 West 23rd Street
P.O. Box 38
Yankton, South Dakota 57078
Telephone: 605-322-7050
Facsimile: 605-322-7054**

2. 20:19:32:03 (2) Names of Members

**Fredrick Stueckel
c/o Avera McKennan Hospital
800 East 21st Street
Sioux Falls, South Dakota 57105**

**Ron Jacobson
c/o Avera Queen of Peace Hospital
535 North Foster
Mitchell, South Dakota 57301**

**Dale J. Stein
c/o Avera St. Luke's Hospital
305 South State Street
Aberdeen, South Dakota 57401**

**Pam Rozac
c/o Avera Sacred Heart Hospital
601 Summit
Yankton, South Dakota 57078**

3. 20:19:32:03 (3) Name under which service will be provided

Service will be provided under the name, Avera Communication, L.L.C.

4. 20:19:32:03 (4) Corporations

N/A

avera communication

Application for a Certificate of Operating Authority to provide Local Exchange Service as a Competitive Local Exchange Carrier in USWest territory in South Dakota

5. 29:10:32:03 (5) Experience

Although Avera Communication, L.L.C. is a new company just recently formed, the technical staff has many years of telecommunications experience. It is the intention of Avera Communication, L.L.C. to hire experienced telecommunications professionals to staff the various positions needed to successfully implement Avera Communication, L.L.C. services and its telecommunications network.

Additionally, Avera Communication, L.L.C. will be assisted by professional telecommunications consultants who have a vast knowledge of telecommunications industry requirements as well as experience in implementing competitive local exchange carriers (CLEC) operations. Avera Communication, L.L.C. will also enlist the resources of its telecommunications vendors when Avera Communication, L.L.C. deems it appropriate.

The management of Avera Communication, L.L.C. has many years experience in various management endeavors in a variety of industries and will bring to bear all of that experience in managing Avera Communication, L.L.C. Avera Communication, L.L.C. management will also avail themselves of the vast experience that its telecommunications consultants possess in addressing any telecommunications specific issues.

6. 29:10:32:03 (6) Affiliates, Subsidiaries, Parent Organizations

None

7. 20:10:32:03 (7) Services Offered

Avera Communication, L.L.C. plans to offer competitive telecommunications services to the residential, commercial and business customers who reside in U.S. West's (USW) franchise territory. Avera Communication, L.L.C. plans to offer both facilities based services and resale of USW services to its customer base.

Avera Communication, L.L.C.'s business plan calls for residential services, competitive with USW will be provided to its residential customers. As available, Avera Communication, L.L.C. plans to offer high speed internet access to its residential customers. Avera Communication, L.L.C.'s telecommunications services will be the equivalent of the services offered by USW. Avera Communication, L.L.C. plans to offer its service at competitive prices and Avera Communication, L.L.C. plans to offer combinations of services that will be very attractive to its potential customers. These services included flat rate local service, long distance access, resale of long distance service, C.L.A.S.S. services, voice mail, operator services and directory assistance.

For business and commercial customers, Avera Communication, L.L.C. is prepared to offer combinations of flat rate and measured rate trunking, PBX trunking, 56 kbps digital service, DS-1 service, DS-3 service, Centrex like services, voice mail, dedicated long distance

AVERA COMMUNICATION

Application for a Certificate of Operating Authority to provide Local Exchange Service as a Competitive Local Exchange Carrier in USWest territory in South Dakota

access and resale of long distance service. Avera Communication, L.L.C.'s business services are designed to appeal to business customers at competitive pricing and with innovative combinations of services to derive many attractive telecommunications services plans.

Avera Communication, L.L.C.'s business plan demonstrates that Avera Communication, L.L.C. will initially offer USW's resale facilities to its customer base. Avera Communication, L.L.C. plans to utilize a combination of unbundled network elements, facilities of competitive access providers (CAPs), facilities of other competitive local exchange carriers (CLECs) and resale facilities of USW to implement its network. Avera Communication, L.L.C. anticipates that the network elements should be in place within six (6) months of the approval of a certificate of operating authority and the successful conclusion of negotiations and approval of an Interconnection Agreement with USW.

20:10:32:03 (1) Service Area Map

Consistent with and identical to the territory of USWest in South Dakota.

20:10:32:03 (2) Technical Competence

The members identified in 20:10:32:03 (2) above will serve as the interim managers of Avera Communication, L.L.C. until such time as professional telecommunications personnel are hired to direct the operations after approval of this Certificate of Operating Authority. Technical assistance prior to approval and operation will be obtained from consultants and/or partnering CLECs, CAPs and other service providers.

20:10:32:03 (3) Technical Competence

Avera Communication, L.L.C. is aware that the Commission has certain standards for USW regarding customer service and the handling of customer complaints. Avera Communication, L.L.C. plans to conform to all the standards that currently exist for USW. Avera Communication, L.L.C. will set up a toll-free number that will, during reasonable business hours, allow the customers to contact a customer service representative (CSR). Such CSRs and their supervisors will be empowered to resolve customer complaints based on existing and soon to be developed policies, procedures and guidelines.

Avera Communication, L.L.C. looks to the current guidelines for USW as a minimum standard of customer service. Avera Communication, L.L.C., by virtue of it being a new provider of telecommunications services, realizes that it must supply superior customer service, if it is to attract existing USW customers and new customers. Therefore, Avera Communication, L.L.C. is dedicated to supplying exemplary customer service by offering superior telecommunications services to the residents and businesses of South Dakota.

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Application for a Certificate of Operating Authority to provide Local Exchange Service as a Competitive Local Exchange Carrier in USWest territory in South Dakota

10. 20-10:32:03 (10) 911, E911, O/S, D/A, etc.

Avera Communication, L.L.C. anticipates initially that through its Interconnection Agreement with USW it will provide branded Operator Services (O/S) and Directory Assistance (D/A) offered by USW. As Avera Communication, L.L.C. acquires more customers, Avera Communication, L.L.C. may decide to open its own Operator Service and Directory Assistance center, or Avera Communication, L.L.C. may decide to utilize the services of other O/S and D/A providers.

Avera Communication, L.L.C. plans to use a combination of leased and owned facilities and switching to provide its telecommunications services. Avera Communication, L.L.C.'s proposed network will include interconnection with InterExchange Carriers (IXC) at the appropriate IXC Access tandem(s). Avera Communication, L.L.C. anticipates that its customers will require IXC access. Avera Communication, L.L.C. is prepared to offer IXC access at both a switched and dedicated level. Avera Communication, L.L.C. will offer IXC access services on a non-discriminatory basis to its customers.

All of Avera Communication, L.L.C. facilities will be telecommunications relay compliant and afford the customer the ability to utilize telecommunications relay equipment.

911 and E911 present special problems for all CLECs. However, because it is utilizing a state of the art network with the most technologically advanced switching and network equipment, Avera Communication, L.L.C. will be able to offer E911 to all its customers.

Avera Communication, L.L.C. also is cognizant of the importance of E911 service and will establish an internal E911 organization to handle the specific functions that are necessary to supply the correct information to the E911 responding agency.

Avera Communication, L.L.C., is aware that USW is responsible for the maintenance of the E911 database, also known as the Automatic Location Identification (ALI) database. Avera Communication, L.L.C. also understands that it will be required to interface with the Public Safety Answering Point (PSAP) to ensure that the information supplied to the PSAP, through the updates of the ALI database, are correct.

Avera Communication, L.L.C., in its network design, has incorporated dedicated trunk groups to the USW E911 Access tandem and Selective Router to facilitate E911 telephone calls. Avera Communication, L.L.C. is prepared to install as many dedicated E911 trunks as is required to insure that E911 calls are routed to the correct PSAP. Avera Communication, L.L.C. will offer E911 functionality that is, at a minimum, the equivalent of USW's.

Avera Communication, L.L.C. envisions that the specifics of the E911 network will be the result of negotiations with USW as a part of the Interconnection Agreement negotiation process.

AVERA COMMUNICATION

Application for a Certificate of Operating Authority to provide Local Exchange Service as a Competitive Local Exchange Carrier in USWest territory in South Dakota

Additionally, the Avera Communication, L.L.C. internal E911 organization will interface with USW or its vendor for testing and updates to the ALI database. Avera Communication, L.L.C. will utilize automatic updates of the ALI database from its customer service database on a daily basis. The details of the updates are to be part of the Interconnection Agreement negotiations with USW.

11. 20:10:32:03 (11) Financial Information

A copy of financial information filed with the Secretary of State of South Dakota when Avera Communication, L.L.C. was organized is attached at the end of this document as **ADDENDUM A**.

12. 20:10:32:03 (12a) Interconnecting Local Exchange Carriers

USWest

Selected CLECs licensed to operate in USWest territories

20:10:32:03 (12b) Timing for Interconnection

Negotiations with USWest should commence by July 12, 1999 and with selected CLECs immediately afterward.

20:10:32:03 (12c) Copy of Interconnection request

A copy of the 251 (c) request letter to USWest will be forwarded once a docket number has been assigned to this application by the Commission.

13. 20:10:32:03 (13) Tariff

Avera Communication, L.L.C. respectfully requests that this Application for Certificate of Operating Authority be processed without a tariff, whose development is dependent at least in part on the outcome of interconnection agreement negotiations with USWest and selected CLECs operating in USWest territory in South Dakota. A complete Tariff One will be filed prior to the commencement of operations after a Certificate of Operating Authority is issued.

14. 20:10:32:03 (14) Cost Studies

Because Avera Communication, L.L.C. is a start up company, it does not have historical cost data to provide the Commission with cost support of its proposed rates. However, in its tariff, to be filed prior to commencement of operations, Avera Communication, L.L.C. will supply price list information. It is expected that Avera Communication, L.L.C.'s pricing structure will be in line with the current costs set by the Commission for USW. Avera Communication, L.L.C. foresees that its network, because it is state of the art and based on the most modern efficient utilization of resources, will allow Avera Communication, L.L.C. to competitively price its services so it can attract new customers.

AVERA COMMUNICATION

Application for a Certificate of Operating Authority to provide Local Exchange Service as a Competitive Local Exchange Carrier in USWest territory in South Dakota

15. 72:10:32:03 (15) Marketing

Avera Communication, L.L.C. is in the process of developing its marketing plan for its potential customer base. Avera Communication, L.L.C. plans to utilize a combination of direct person to person sales, canvassing of neighborhoods (door to door sales), and direct marketing, including television and radio commercials, direct mail, bill board advertising, and newspaper advertising. Avera Communication, L.L.C. will also utilize telemarketing to promote its services. Avera Communication, L.L.C. will adhere to any and all Commission and/or FCC guidelines pertaining to telemarketing.

Avera Communication, L.L.C. will target vertically integrated companies with presence through out South Dakota as prime candidates for bundling of services that it envisions offering. Avera Communication, L.L.C. also anticipates marketing its services to the employees of its business customers, as well as other residential and business customers. Avera Communication, L.L.C.'s target market is limited to the current franchise territory of USW within South Dakota.

Avera Communication, L.L.C. will be offering bundled services at attractive rates to its residential and business customers. Avera Communication, L.L.C. will customize its offerings by using special customer arrangements (SCAs) to meet the needs of its customers. Avera Communication, L.L.C. will offer SCAs on a non-discriminatory basis to customers who qualify based on the specific terms and conditions of the SCA. Avera Communication, L.L.C. will be developing many innovative marketing and sales concepts for telecommunications sales. Avera Communication, L.L.C. will be hiring a professional telecommunications marketing consultant(s) to assist it in its marketing campaign.

Avera Communication, L.L.C. will utilize certain sections on its bill to inform its current customer of additional services as they become available. Additionally, Avera Communication, L.L.C. will insert informational material in its billing envelopes.

At this time, Avera Communication, L.L.C. does not plan to utilize multi-level marketing type campaigns.

Advertising, direct mail, and supporting sales and marketing materials are currently being developed and are not available for inclusion with this application.

16. 28:10:32:03 (16) Rural Telephone Company Territory

Avera Communication does not intend to provide service within the area of any rural telephone company.

AYERA COMMUNICATION

Application for a Certificate of Operating Authority to provide Local Exchange Service as a Competitive Local Exchange Carrier in USWest territory in South Dakota

17. 20:10:32:03 (17) Other states of operation

Avera Communication, L.L.C. is not currently licensed to provide telecommunications services in any other state.

18. 22:10:32:03 (18) Registered Agent

The Registered Agent for Avera Communication, L.L.C. for all matters is:
Don Blarke, Esq.
Avera Communication, L.L.C.
610 West 23rd Street
Yankton, South Dakota 57078

19. 20:10:32:03 (19) Billing

Avera Communication, L.L.C. is currently investigating candidates for outsourcing its billing operations. Either a third party or Avera Communication, L.L.C. itself, will collect from its customer service database records of calls that have been made and the services that the customer has requested. Avera Communication, L.L.C. will collect any other data related to the service, for example third party billing charged to the customer's number, and include those charges on its bill. At this time, Avera Communication, L.L.C. will not offer rebilling service to other IXCs. However, Avera Communication, L.L.C. may, after determining the potential economic implications, offer rebilling service to IXCs.

Avera Communication, L.L.C. is developing, with its telecommunications consultants and potential billing sub contractors, billing formats that will put an end to the confusion that often results from the current telecommunications billings. Avera Communication, L.L.C. will format its bill so that it is easily understood and clearly defines the cost of the services provided as well as any other charges that are imposed upon a telecommunications customer.

Initially, Avera Communication, L.L.C. will be mailing its bills to its customers. Future, anticipated services, included direct billing to a checking account, billing to a credit card, ATM transfer, as well as prepayment for services. Avera Communication, L.L.C. also has plans to offer Internet access and/or automated voice response (AVR) access for customer inquiries into account balances, payment histories and service offerings.

20. 20:10:32:03 (20) Unauthorized conversion of customers

Avera Communication, L.L.C. is very sensitive to the problems of slamming, jamming and cramming of services for telecommunications customers. Avera Communication, L.L.C. will utilize a third party verification service to confirm all new customers that are converted from another existing telecommunications provider. Avera Communication, L.L.C. is prepared to follow the guidelines set forth by the Commission and/or the FCC regarding conversion of existing customers.

Avera Communication, LLC will mail, to the service address, a welcome package (yet to be developed) that will outline the services requested and will explain in detail the policies and costs of the services requested. Included in the welcome package will be various tools to assist the customers in contacting Avera Communication, LLC, customer service center. It is anticipated that stickers with the customer service center 800 number on it will be supplied in the welcome package.

21. 20:10:32:03 (21) Complaints in other states

Avera Communication, LLC does not currently operate in any other states.

22. 20:10:32:03 (22) Waiver requests

Avera Communication, LLC respectfully requests that the requirement to file a tariff with the application be waived until the completion of interconnection negotiations with USWest.

23. 20:10:32:03 (23) Federal tax identification number

The Federal Tax Identification Number has not yet been received.

24. 20:10:32:03 (24) Other information requested by Commission

N/A

25. 20:10:32:04 Notice to other local exchange carriers in proposed service area-
interviewer status

A copy of the letter being sent under separate cover to USWest and all local exchange carriers licensed to provide local exchange service within USWest territory in South Dakota to inform them of this application will be forwarded to the Commission after a docket number has been assigned to this application.

RECEIVED
MAY 10 1999
S.D. SEC. OF STATE

**FIRST ANNUAL REPORT
OF A
LIMITED LIABILITY COMPANY**

1. The name of the Limited Liability Company is: Amgen Communication, L.L.C.

2. The name of any other name for the company is: South Dakota

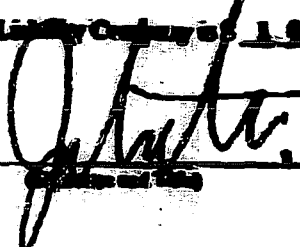
3. The address of the principal office and the name and address of the registered agent for service of process in South Dakota is:
Ray A. Martin, 620 West 21st Street, P.O. Box 30, Yankton, SD 57105

4. The address of the principal office is: 620 West 21st Street, Yankton, SD 57105

5. The names and business addresses of my managers:
Fredrick Elmzein, 600 West 21st Street, Yankton, SD 57105
Ron Jacobson, 515 North Spear, Mitchell, SD 57301
Dale J. Swain, 305 South State Street, Aberdeen, SD 57402
Tom Sauer, 501 South, Yankton, SD 57105

6. The dollar amount of the total agreed contributions to the Limited Liability Company is: 1,000.00

Date: May 5, 1999


_____, Organizer and Sole Member

*** FILING FEE:**

AGREED CONTRIBUTION	FEE
Not in excess of \$50,000	\$90
\$50,001 to \$100,000	\$150
In excess of \$100,000	\$150 for first \$100,000 plus \$.50 for each additional \$1,000

The maximum amount charged may not exceed sixteen thousand dollars (\$16,000.).

South Dakota Public Utilities Commission

WEEKLY FILINGS

For the Period of July 1, 1999 through July 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

ELECTRIC

EL99-013 In the Matter of the Filing by Lincoln-Union Electric Company for Approval of Exception to Service on Assigned Area Consent and Agreement between Lincoln-Union Electric Company and Northern States Power Company.

Lincoln-Union Electric Company of Alcester, SD and Northern States Power Company, out of the Sioux Falls office have been discussing service boundaries to a new development area south of Sioux Falls. They have come to an agreement for the development area called Auburn Hills, City of Sioux Falls, in the NW ¼ of the SW ¼ of Section 16 in township 100W, Range 50W. They are requesting some minor variations to the existing territorial agreement as approved by the Public Utilities Commission on January 28, 1976.

**Staff Analyst: Michele Farris
Staff Attorney: Camron Hoseck
Date Filed: 07/02/99
Intervention Date: 07/23/99**

TELECOMMUNICATIONS

TC99-078 In the Matter of the Establishment of Switched Access Revenue Requirement for Tri-County Telcom, Inc.

Tri-County Telcom, Inc. filed a switched access cost study developing a revenue requirement that is included in the revenue requirement used to determine the switched access rates for the Local Exchange Carrier Association.

**Staff Analyst: Harian Best/Keith Senger
Staff Attorney: Karen Cremer
Date Filed: 07/01/99
Intervention Deadline: 07/23/99**

TC99-079 In the Matter of the Establishment of Switched Access Revenue Requirement for Roberts County Telephone Cooperative Association and RC Communications, Inc.

Roberts County Telephone Cooperative Association and RC Communications, Inc. filed a switched access cost study developing a revenue requirement that is included in the revenue requirement used to determine the switched access rates for the Local Exchange Carrier Association.

Staff Analyst: Harlan Best/Keith Senger

Staff Attorney: Karen Cremer

Date Filed: 07/01/99

Intervention Deadline: 07/23/99

TC99-080 In the Matter of the Establishment of Switched Access Revenue Requirement for Sioux Valley Telephone Company.

Sioux Valley Telephone Company filed a switched access cost study developing a revenue requirement that is included in the revenue requirement used to determine the switched access rates for the Local Exchange Carrier Association.

Staff Analyst: Harlan Best/Keith Senger

Staff Attorney: Karen Cremer

Date Filed: 07/01/99

Intervention Deadline: 07/23/99

TC99-081 In the Matter of the Establishment of Switched Access Revenue Requirement for DTG Community Telephone.

DTG Community Telephone filed a switched access cost study "pursuant to the rules established by the Commission."

Staff Analyst: Harlan Best/Keith Senger

Staff Attorney: Karen Cremer

Date Filed: 07/01/99

Intervention Deadline: 07/23/99

TC99-082 In the Matter of the Filing by AT&T Communications of the Midwest, Inc. for Approval of its Access Services and Interconnection Services Tariff.

AT&T filed its Access Services and Interconnection Services Tariff. This tariff contains regulations, rates and charges applicable to the provisions of 1) intrastate Access

Services provided to customers by AT&T, and 2) certain Network Interconnections
Services provided to carriers within the State of South Dakota. AT&T is assuming that
Commission approval is not needed because this is a business service only and AT&T
serves less than 50,000 local exchange subscribers.

Staff Analyst: Keith Senger
Staff Attorney: Karen Gremer
Date Filed: 05/28/99
Intervention Date: 07/23/99

**In the Matter of the Application of Avera Communication, L.L.C. for a
Certificate of Authority to Provide Local Exchange Services in South
Dakota.**

Avera Communication, L.L.C. intends to provide facilities-based and resale of
competitive local exchange services. Avera Communication, L.L.C. requests authority
to provide services throughout U S West territories.

Staff Analyst: Keith Senger
Legal Intern: Jeff Koerselman
Date Filed: 07/06/99
Intervention Date: 07/23/99

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/>

Health

610 West 23rd Street, Suite 1
PO Box 58
Yankton, SD 57078
(605) 322-7050
Fax: (605) 322-7054

August 12, 1999

Mr. Keith Senger
Public Utilities Commission
Capital Building
500 East Capital
Pierre, SD 57501

RECEIVED

AUG 16 1999

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

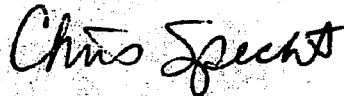
RE: Avera Communications, LLC

Dear Mr. Singer:

Enclosed please find a fully executed \$25,000 bond issued by the St. Paul Fire and Marine insurance company for the above referenced limited liability company.

Please contact me should you desire additional information.

Sincerely,



Chris Specht
Director of Risk Management

Enc.
Cc: Jim Schultz (w/enc)
Tom Seyer (w/enc)
Lclbond

St Paul Fire and Marine Insurance Company

Surety

Bond Number JP9024

LICENSE OR PERMIT BOND

KNOW ALL MEN BY THESE PRESENTS, That we, Avera Communication, LLC, of PO Box 38, Yankton, SD 57078, as Principal and St Paul Fire and Marine Insurance Company, a Minnesota Corporation, having its principle office in the City of St Paul, Minnesota, as Surety, are held and firmly bound unto Public Utilities Commission of South Dakota and the Consumers of South Dakota, Capital Building, 500 E. Capital, Pierre, SD 57501, hereinafter called the Obligee, in the penal sum of Twenty-five thousand and no Dollars (\$25,000.00), lawful money of the United States of America to be paid to the said Obligee, for which payment well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed with our hands and sealed with our seals this, the 5th day of August, A.D. 1999.

WHEREAS, a LICENSE or PERMIT has been granted by the Obligee to the above bounden Principal authorizing the Principal to do business as a telephone company.

Now therefore, the Condition of this Obligation is such, that if the said Principal shall faithfully observe the provisions of the Laws, Ordinances, and resolutions, governing the issuance of this License or Permit, then this Obligation shall be null and void, otherwise to remain in full force and effect.

Liability under this bond shall terminate as of the 5th day of August, 2002, as to any acts subsequent thereto, unless said bond is continued in force from year to year by the issuance of a continuation certificate signed by the Surety.

The Surety may cancel this bond at any time by filing with the Obligee thirty (30) days written notice of its desire to be relieved of liability. The Surety shall not be discharged from any liability already accrued under this bond, or which shall accrue hereunder before the expiration of the thirty day period.

Original Bond is in Helaine's bottom desk drawer.

John L. Puster
Avera Communication, LLC Principal

St Paul Fire and Marine Insurance Company

Jim Herr
Countersigned by: Jim Herr Attorney-in-fact/Resident Agent

For verification of the authenticity of this Power of Attorney, you may telephone toll free 1-800-421-3880 and ask for the Power of Attorney Clerk. Please refer to the Certificate of Authority No. and the named individual(s).

GENERAL POWER OF ATTORNEY - CERTIFIED COPY
(Original on File at Home Office of Company. See Certification.)

2040987

P-12736

KNOW ALL MEN BY THESE PRESENTS: That St. Paul Fire and Marine Insurance Company, a corporation organized and existing under the laws of the State of Minnesota, having its principal office in the City of St. Paul, Minnesota, does hereby constitute and appoint:

George A. Olson, Jim Harr, Thomas Seyer, individually, Aberdeen, South Dakota

as and lawful attorney(s) in fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise.

NOT TO EXCEED IN PENALTY THE SUM OF TEN MILLION DOLLARS (\$10,000,000) EACH

and the execution of all such instrument(s) in pursuance of these presents, shall be as binding upon said St. Paul Fire and Marine Insurance Company, as fully and completely, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office.

This Power of Attorney is executed, and may be certified to and may be revoked, pursuant to and by authority of Article V, Section 6(C), of the By-Laws adopted by the Shareholders of **ST. PAUL FIRE AND MARINE INSURANCE COMPANY** at a meeting called and held on the 28th day of April, 1978, of which the following is a true transcript of said Section 6 (C):

"The President or any Vice President, Assistant Vice President, Secretary or Service Center General Manager shall have power and authority

- (1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and
- (2) To appoint special Attorneys-in-fact, who are hereby authorized to certify to copies of any power-of-attorney issued in pursuance of this section and/or any of the By-Laws of the Company, and
- (3) To remove, at any time, any such Attorney-in-fact or Special Attorney-in-fact and revoke the authority given him."

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted at a meeting duly called and held on the 5th day of May, 1959, of which the following is a true excerpt:

"Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached."

IN TESTIMONY WHEREOF, St. Paul Fire and Marine Insurance Company has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 30th day of November, A.D. 1990.

ST. PAUL FIRE AND MARINE INSURANCE COMPANY



STATE OF NEW JERSEY } ss.
County of Somerset

[Signature]
KENNETH J. RYAN, Secretary

On this 5th day of October, 19 94, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said that he/she is the therein described and authorized officer of St. Paul Fire and Marine Insurance Company; that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his/her signature were duly affixed by order of the Board of Directors of said Company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the township of Bedminster, New Jersey, the day and year first above written.



[Signature]
LINDA SMETHERS, Notary Public, Bedminster, NJ
My Commission Expires December 16, 2001

CERTIFICATION

I, the undersigned officer of St. Paul Fire and Marine Insurance Company, do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney, with the **ORIGINALS ON FILE IN THE HOME OFFICE OF SAID COMPANY**, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.



IN TESTIMONY WHEREOF, I have hereunto set my hand this
5th day of August, 19 99

[Signature]
MICHAEL W. ANDERSON, Secretary

Only a certified copy of Power of Attorney bearing the Certificate of Authority No. printed in red on the upper right corner is binding. Photocopies, carbon copies or other reproductions of this document are invalid and not binding upon the Company.

ANY INSTRUMENT ISSUED IN EXCESS OF THE PENALTY AMOUNT STATED ABOVE IS TOTALLY VOID AND WITHOUT ANY VALIDITY.

ACKNOWLEDGEMENT OF ATTORNEY-IN-FACT

STATE OF South Dakota)
COUNTY OF Brown)

On this 5th day of August, 1999, before me, a Notary Public, within and for said County and State, personally appeared Jim Hartz to me personally known, and known to me to be the Attorney-in-Fact of and for the ST. PAUL FIRE AND MARINE INSURANCE COMPANY, Saint Paul, Minnesota, a corporation, created, organized and existing under and by virtue of the laws of the State of Minnesota, upon oath did say that the corporate seal affixed to the attached instrument is the seal of the said Company; that the seal was affixed and the said instrument was executed by the authority of its Board of Directors; and he/she did also acknowledge that he/she executed the said instrument as the free act and deed of said Company.

Carole Kieck

11-15-2009
My Commission Expires

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

**IN THE MATTER OF THE APPLICATION OF)
AVERA COMMUNICATION, L.L.C. FOR A)
CERTIFICATE OF AUTHORITY TO PROVIDE)
LOCAL EXCHANGE SERVICES IN SOUTH)
DAKOTA)**

**ORDER GRANTING
CERTIFICATE OF
AUTHORITY

TC99-083**

On July 6, 1999, the Public Utilities Commission (Commission) received an application for a certificate of authority from Avera Communication, L.L.C. (Avera).

Avera proposes to offer both facilities based local exchange services and resale of U S WEST services in U S WEST territory.

On July 8, 1999, the Commission electronically transmitted notice of the filing and the intervention deadline of July 23, 1999, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled August 17, 1999, meeting, the Commission considered Avera's request for a certificate of authority. Commission Staff recommended granting a certificate of authority as Avera had furnished the Commission with a surety bond, subject to rural safeguards. Commission Staff further recommended a waiver of 20:10:32:03(11).

The Commission finds that it has jurisdiction over this matter pursuant to Chapter 49-31, specifically 49-31-69 and ARSD 20:10:32:03. The Commission finds that Avera has met the legal requirements established for the granting of a certificate of authority. Avera has, in accordance with SDCL 49-31-71, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota. Further, the Commission finds that there is good cause to waive subparagraph (11) of ARSD 20:10:32:03.

The Commission approves Avera's application for a certificate of authority, subject to rural safeguards. The certificate of authority for Avera shall authorize it to offer local exchange services in those areas in South Dakota where U S WEST Communications, Inc. is the incumbent local exchange carrier. In the future, should Avera choose to provide local exchange services statewide, with respect to rural telephone companies, Avera will have to come before the Commission in another proceeding before being able to provide local service in that rural service area pursuant to 47 U.S.C. § 253(f) which allows the Commission to require a company that seeks to provide service in a rural service area to meet the requirements in 47 U.S.C. § 214(e)(1) for designation as an eligible telecommunications carrier. In addition, the granting of statewide certification will not affect the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f). It is therefore

ORDERED, that Avera's application for a certificate of authority to provide local exchange services, is granted, effective September 6, 1999; and it is

FURTHER ORDERED, that Avera shall file informational copies of tariff changes with the Commission as the changes occur, and it is

FURTHER ORDERED, that the Commission shall authorize Avera to offer its local exchange services in those areas in South Dakota where U S WEST Communications, Inc. is the incumbent local exchange carrier, and it is

FURTHER ORDERED, that the Commission finds good cause to waive subparagraph (11) of ARSD 20:10:32:03.

Dated at Pierre, South Dakota, this 26th day of August, 1999.

<p>CERTIFICATE OF SERVICE</p> <p>The undersigned hereby certifies that this document has been served to upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.</p> <p>By: <u>Allison Kaelo</u></p> <p>Date: <u>8/27/99</u></p> <p>(OFFICIAL SEAL)</p>

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 August 17, 1999, effective September 6, 1999
Docket No. TC99-083

This is to certify that

avera communication, l.l.c.

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 26th day of August, 1999.

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION:



James A. Burg

JAMES A. BURG, Chairman

Pam Nelson

PAM NELSON, Commissioner

Laska Schoenfelder

LASKA SCHOENFELDER, Commissioner