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SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
www.puc.sd.gov

Capitol Office
(605) 773-3201
1-866-757-6031 fax

Warehouse
(605) 773-5280
(605) 773-3225 fax

Consumer Hotline
1-800-332-1782

February 2, 2010

Patricia Van Gerpen
PUC Executive Director
500 E. Capitol Ave
Pierre, SD 57501

Re: TC10-001

Dear Ms. Van Gerpen:

After receipt of SDTA's Petition to Intervene I contacted Mr. Rich Coit. As the Petition explained, he is uncomfortable with service territory inconsistency in IntelePeer, Inc.'s application for a Certificate of Authority. I therefore, sought clarification from IntelePeer. Please see the attached information.

With the clarifications, Staff believes SDTA's concern has been addressed. Staff recommends approval of the requested Certificate of Authority.

Thank you,

Kara Semmler

Semmler, Kara

Subject: FW: SD PUC docket TC10-001

-----Original Message-----

From: Vu, Nguyen [mailto:nguyen.vu@bingham.com]**Sent:** Friday, January 29, 2010 1:25 PM**To:** Semmler, Kara**Cc:** LaBrie Baker, Terri; Del Sesto, Ronald W., Jr.**Subject:** RE: SD PUC docket TC10-001

Kara: On behalf of IntelPeer, Inc. ("IntelPeer"), the response to your inquiries are below. If you have any questions, please do not hesitate to contact me:

1) Please confirm: IntelPeer, Inc. does not intend to serve in non-Qwest areas, or those protected by the "rural safeguards."

Response: IntelPeer does not intend to serve non-Qwest service areas in South Dakota. Further, IntelPeer does not intend to serve those areas protected by the "rural safeguards."

2) If IntelPeer, Inc. latter desires to serve in non-Qwest, rural territories, confirm it will make the appropriate filings with the PUC.

Response: If IntelPeer desires to serve non-Qwest, rural service areas in South Dakota, IntelPeer will make the appropriate filing with the South Dakota PUC.

3) Does IntelPeer, Inc. object to a Certificate of Authority condition that: IntelPeer, Inc. be restricted to serve in Qwest territories.

Response: IntelPeer does not object to a Certificate of Authority containing a restriction that IntelPeer only serve Qwest territories in South Dakota.

Nguyen T. Vu**Bingham McCutchen LLP** | 2020 K Street, NW | Washington, DC 20006Tel: 202.373.6254 | Fax: 202.373.6001 | nguyen.vu@bingham.com

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