

# Morgan Lewis

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## ***VIA ELECTRONIC FILING***

Patricia Van Gerpen, Executive Director  
South Dakota Public Utilities Commission  
Capital Building, 1st Floor  
500 East Capital Avenue  
Pierre, South Dakota 57501-5070

Re: Docket No. TC16-045  
Zayo Group, LLC - Withdrawal of South Dakota P.U.C. Tariff No. 1  
(Switched Access Services Tariff)

### RESPONSE TO DATA REQUEST

Dear Ms. Van Gerpen:

On behalf of Zayo Group, LLC ("Zayo"), this letter responds to Data Request No. 1 from Commission Staff.

**1-1. Explain why Zayo no longer needs to maintain its switched access services tariff but seeks to retain its certificate of authority to provide local exchange services. Why is Zayo not requesting to withdraw its certificate of authority to provide local exchange services as well?**

**RESPONSE:** As stated in its request to withdraw, Zayo does not provide switched access services and has no plans to provide such services in the future. Therefore, Zayo does not need to maintain a switched access services tariff. Zayo has not requested to withdraw its certificate of authority ("COA") to provide local exchange services because Zayo will continue to offer other telecommunications services, such a private line and other similar services, with end-points that may be within an exchange. Further, Zayo generally finds that holding a COA to provide local exchange services helps to expedite expansion of its network particularly with respect to obtaining access to poles/conduits and right-of-ways. Finally, although Zayo does not have current plans to provide switched access services, Zayo's plans may change in the future such that it may offer switched

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access services again. Maintaining its COA to provide local exchange services would allow Zayo to simply file a new switched access tariff before providing such services rather than also having to go through the process to obtain a new COA.

To the extent the Commission determines that a COA to provide local exchange services cannot be maintained without a switched access tariff, Zayo will withdraw, without prejudice, its request to withdraw its switched access services tariff (South Dakota P.U.C. Tariff No. 1). The Commission routinely grants COAs to provide local exchange services before a company has obtained approval of a switched access tariff and, therefore, such a tariff should not be required for Zayo to maintain its COA.

We would appreciate acknowledgement of receipt and acceptance of this filing, which is being submitted electronically. Should you have any questions, please do not hesitate to contact Brett Ferenchak at 202-373-6697.

Respectfully submitted,

*/s/ Brett P. Ferenchak*

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