

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

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| IN THE MATTER OF THE APPLICATION OF) | ORDER GRANTING |
| ICG TELECOM GROUP, INC. FOR A) | CERTIFICATE OF |
| CERTIFICATE OF AUTHORITY TO PROVIDE) | AUTHORITY |
| LOCAL EXCHANGE SERVICES IN SOUTH) | |
| DAKOTA) | TC02-057 |

On June 10, 2002, the Public Utilities Commission (Commission) received an application for a certificate of authority from ICG Telecom Group, Inc. (ICG).

ICG proposes to facilities-based and resold local exchange telecommunications service in South Dakota in the entire service area of Qwest Corporation. A proposed tariff was filed by ICG.

On June 13, 2002, the Commission electronically transmitted notice of the filing and the intervention deadline of June 28, 2002, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled November 20, 2002, meeting, the Commission considered ICG's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to a continuous \$25,000 surety bond, and subject to rural safeguards.

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

The Commission approves ICG's application for a certificate of authority, subject to a continuous \$25,000 surety bond, and subject to rural safeguards. The certificate of authority for ICG shall authorize it to offer local exchange services in South Dakota, except in those areas served by a rural telephone company. In the future, should ICG choose to provide local exchange services statewide, with respect to rural telephone companies, ICG 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 ICG's application for a certificate of authority to provide local exchange services is granted, subject to a continuous \$25,000 surety bond; and it is

FURTHER ORDERED, that ICG shall file informational copies of tariff changes with

the Commission as the changes occur; and it is

FURTHER ORDERED, that the Commission shall authorize ICG to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company.

Dated at Pierre, South Dakota, this 2nd day of December, 2002.

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| 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 facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon. |
| By: _____ |
| Date: _____ |
| _____ |
| (OFFICIAL SEAL) |

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

ROBERT K. SAHR, Commissioner