

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

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| IN THE MATTER OF THE APPLICATION OF) | ORDER GRANTING |
| COMPUTER NETWORK TECHNOLOGY) | CERTIFICATE OF |
| CORPORATION FOR A CERTIFICATE OF) | AUTHORITY |
| AUTHORITY TO PROVIDE INTEREXCHANGE) | |
| TELECOMMUNICATIONS SERVICES AND) | TC03-202 |
| LOCAL EXCHANGE SERVICES IN SOUTH) | |
| DAKOTA | |

On December 19, 2003, the Public Utilities Commission (Commission) received an application for a certificate of authority from Computer Network Technology Corporation (CNT).

CNT intends to provide non-switched local intrastate interexchange services, specifically private line special access services. A proposed tariff was filed by CNT.

On December 31, 2003, the Commission electronically transmitted notice of the filing and the intervention deadline of January 16, 2004, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled April 6, 2004, meeting, the Commission considered CNT's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to rural safeguards, and subject to the condition that CNT not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments without prior approval of the Commission.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3 and 49-31-69 and ARSD 20:10:24:02, 20:10:24:03 and 20:10:32:03. The Commission finds that CNT has met the legal requirements established for the granting of a certificate of authority. CNT has, in accordance with SDCL 49-31-3 and 49-31-71, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota.

The Commission approves CNT's application for a certificate of authority, subject to rural safeguards, and subject to the condition that CNT not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments without prior approval of the Commission. The certificate of authority for CNT 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 CNT choose to provide local exchange services statewide, with respect to rural telephone companies, CNT 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 CNT's application for a certificate of authority to provide interexchange telecommunications services and local exchange services is granted, subject to the condition that CNT not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments without prior approval of the Commission; and it is

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

FURTHER ORDERED, that the Commission shall authorize CNT to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company; and it is

Dated at Pierre, South Dakota, this 19th day of April, 2004.

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| <p align="center">CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u>Alldain Kalbo</u></p> <p>Date: <u>4/20/04</u></p> <p align="center">(OFFICIAL SEAL)</p> |
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BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner