



Dustin Johnson, Chair
Gary Hanson, Vice Chair
Steve Kolbeck, Commissioner

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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December 5, 2006

Mr. Robert E. Heath
Executive Vice President
American Fiber Network, Inc.
9401 Indian Creek Parkway; Suite 140
Overland Park, KS 66210

RE: CERTIFICATE OF AUTHORITY - DOCKET TC06-098

Dear Mr. Heath:

Please find enclosed an Order Granting Certificate of Authority and Certificate of Authority, effective as a South Dakota telecommunications company. This Order shows that your company has been approved by the Public Utilities Commission (Commission) to provide intrastate interexchange telecommunications services and local exchange services in the state of South Dakota, subject to the Commission's restriction with respect to rural telephone companies. Each company certified by the Commission is required to demonstrate sufficient technical, financial, and managerial capability to offer telecommunications services in South Dakota. *Please send us one copy of your company's final tariff, including the effective date, which is the date of the Order Granting Certificate of Authority.*

Also enclosed for your information is a copy of SDCL 49-31-89 through 49-31-97 relating to slamming, which became effective July 1, 1999.

Administrative Rule 20:10:24:04 requires that each company providing interexchange services submit the following information by June 1 of each year from the preceding calendar year:

A report identifying the exchanges, routes, or other geographic areas of this state where it is providing or expects to provide services. The report shall include the number and type of customers being served.

Administrative Rule 20:10:32:12 requires that each company providing local exchange services submit the following information by June 1 of each year from the preceding calendar year:

(1) A report of its annual revenues from the preceding year resulting from operations in South Dakota;

(2) A report identifying specifically the areas within its service area in the state where the company is operational and actually providing local exchange services. The report must separately identify areas being served primarily through resale and areas served by facilities of the companies; and

(3) The number of access lines being served, segregated between business and residential local exchange customers.

Pursuant to SDCL Chapter 49-1A-4 and 49-1A-5: On April 1 of each year, each company shall file with the Public Utilities Commission, on forms prescribed by the commission, the amount of its gross receipts derived from the company's customers within the State of South Dakota during the preceding calendar year. Such report shall be sworn to and verified by an officer of the company. On May 1 of each year the commission shall, by order, establish the rate and assess the tax authorized in § 49-1A-3 which, together with any funds remaining from the current fiscal year and the \$250 minimum gross receipt tax, will fund the commission's budget for the next fiscal year and provide a contingency reserve in an amount not to exceed the prior year's budget. The tax levied by this chapter is due and payable to the state treasurer on July 15 of each year.

It is also very important for each company to keep the Commission updated on information relating to the company's address, phone and fax numbers, internet address, and contact people such as officers, CEOs, managers and customer service representatives. A Certificate of Authority may not be sold, assigned, leased, or transferred without Commission approval.

All telecommunications companies should be familiar with the Administrative Rules applicable to the regulation of telecommunications services in South Dakota. If you do not have a copy of these Rules, they can be accessed at the Commission's home page at <http://www.state.sd.us/puc> or you may obtain a copy of the Rules by contacting the Commission. You may use the enclosed document entitled "Stay Informed" to subscribe to Agendas and Minutes of the Commission meetings, Weekly Filing Reports, Rules Information and News Releases. You may also receive the Agendas, Minutes and Weekly Filing Reports by fax.

If you have any questions or concerns, please contact Delaine Kolbo at (605) 773-3705.

Sincerely,

PATRICIA VAN GERPEN
Executive Director

Enc.

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

CERTIFICATE OF AUTHORITY

To Conduct Business as a Telecommunications Company
within the State of South Dakota

Authority was Granted as of the date of the
Order Granting Certificate of Authority
Docket No. TC06-098

This is to certify that

AMERICAN FIBER NETWORK, INC.

is authorized to provide interexchange telecommunications services, and
local exchange services in nonrural areas in South Dakota.

This certificate is issued in accordance with SDCL 49-31-3 and 49-31-69
and ARSD 20:10:24:02 and 20:10:32:03, 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 4th day of December, 2006.

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION:**




DUSTIN M. JOHNSON, Commissioner


GARY HANSON, Commissioner