

Bob Sahr, Chair  
Dustin Johnson, Vice-Chair  
Gary Hanson, Commissioner

# SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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Pierre, South Dakota 57501-5070  
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1-800-332-1782

September 13, 2006

Mr. Gary Ray  
Vice President and Co-General Counsel  
360networks (USA) inc.  
867 Coal Creek Circle, Suite 160  
Louisville, CO 80027

RE: CERTIFICATE OF AUTHORITY - DOCKET TC06-063

Dear Mr. Ray:

Please find enclosed an Order Granting Certificate of Authority and Order Granting Petition for Waiver 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 wholesale switched access 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 20:10:32:12 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,

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PATRICIA VAN GERPEN  
Executive Director

Enc.

cc: Mr. Andrew O. Isar  
Enc.

# SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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## *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. TC06-063

*This is to certify that*

**360NETWORKS (USA) INC.**

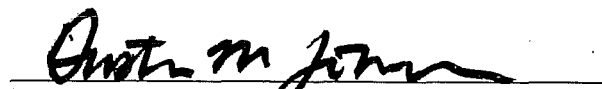
is authorized to provide wholesale switched access local exchange services  
in nonrural areas in South Dakota.

This certificate is issued in accordance with SDCL 49-31-69 and ARSD  
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 11<sup>th</sup> day of September, 2006.

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION:**

  
ROBERT K. SAHR, Chairman

  
DUSTIN M. JOHNSON, Commissioner

  
GARY HANSON, Commissioner

