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February 3, 2010

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**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Via Overnight Courier

Ms. Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 E. Capital Avenue
Pierre, SD 57501-5070

Re: TC10-003, Broadview Networks, Inc.
Request for Waiver of ARSD Sections 20:10:24:02(9) and
20:10:32:03(12)

Dear Ms. Van Gerpen:

At the request of Commission Staff, Broadview Networks, Inc. ("Broadview") hereby submits and original and one (1) copy of its Request for Waiver of ARSD Sections 20:10:24:02(9) and 20:10:32:03(12) in connection with the Company's pending Application for Certificate of Authority for Local Exchange and Interexchange Services. Additionally, an electronic version of this document is provided on the enclosed CD. Broadview has attempted to file this document with the Commission electronically via the e-filings system but has been prevented from doing so as a result of server failure.

A copy of Broadview's Waiver Request is also being provided to Commission Staff.

Please return the enclosed "file/stamp" copy of this transmittal letter in the addressed, stamped envelope provided for that purpose. If you have any questions concerning this submission, please contact me at (240) 461-0412 or channan@broadviewtel.com.

Respectfully submitted,

A handwritten signature in cursive script that reads "Catherine M. Hannan".

Catherine M. Hannan

Enclosures

**BEFORE THE
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

Application of)
)
Broadview Networks, Inc.)
) Case No. TC10-003
For a Certificate of Authority for Local)
Exchange and Interexchange Telecommunications)
Services Within The State of South Dakota)

**Request for Waiver of ARSD
Sections 20:10:24:02(9) and ARSD 20:10:32:03(12)**

Broadview Networks, Inc. (“Broadview” or “Applicant”) hereby respectfully requests a waiver of the requirements of ARSD 20:10:24:02(9) and ARSD 20:10:32:03(12), which require that an application submit in connection with an application for Certificate of Service Authority to Provide Local Exchange and Interexchange Telecommunications Services, respectively, “[f]or the most recent 12 month period, financial statements of the applicant including a balance sheet, income statement and cash flow statement. The applicant shall provide audited financial statements if available.”¹

On December 31, 2009, Broadview submitted an Application for Certificate of Authority for Local Exchange and Interexchange Telecommunications Services within the State of South Dakota, assigned Case No. TC10-003 by the Commission. As part of that Application, Broadview provided a Securities and Exchange Commission Form 10-Q which contains actual financial information which demonstrates the sufficiency of Broadview’s technical, financial and managerial resources and ability to provide basic local telecommunications services in South Dakota.

¹ ARSD 20:10:24:02(9) (local exchange application); ARSD 20:10:32:03(12) (interexchange application).

Applicant does not maintain financial records on a standalone basis, as would be required to comply with ARSD 20:10:24:02(9) and ARSD 20:10:32:03(12). Rather, pursuant to Securities and Exchange Commission rules, financial reporting is done at the holding company level for the entire Broadview corporate family. Applicant believes, therefore, that the SEC Form 10-Q included along with the Application represents an accurate picture of Applicant's financial strength and provides financial detail equivalent to that required by ARSD 20:10:24:02(9) and ARSD 20:10:32:03(12). Accordingly, Applicant respectfully requests that the Commission grant a waiver of ARSD 20:10:24:02(9) and ARSD 20:10:32:03(12) to enable the above-referenced application to proceed as filed.

Respectfully submitted,

BROADVIEW NETWORKS, INC.



Charles C. Hunter
Executive Vice President and General Counsel

Dated this 2nd day of February, 2010.

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

STATE OF NEW YORK)
)
COUNTY OF WESTCHESTER) ss.

Verification

I, Charles C. Hunter, being duly sworn according to law, depose and say that I am Executive Vice President and General Counsel of Broadview Networks Holdings, Inc., and its operating subsidiary, Broadview Networks, Inc. (“Broadview”); that I am authorized to and do make this Verification for it; that the facts set forth below are true and correct to the best of my knowledge, information and belief. I further depose and say that the authority to submit this Verification has been properly granted.



Charles C. Hunter
Executive Vice President and General Counsel
Broadview Networks, Inc.

 2 Subscribed and sworn to before me, in and for the State and County named above this
day of 2 , 2010.



Notary Public

COREY RINKER
NOTARY PUBLIC, STATE OF NEW YORK
No. 02RI6013491
QUALIFIED IN WESTCHESTER COUNTY
MY COMMISSION EXPIRES 9/21/20 12