

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

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
AMERICAN FIBER NETWORK, INC. FOR A)	CERTIFICATE OF
CERTIFICATE OF AUTHORITY TO PROVIDE)	AUTHORITY
INTEREXCHANGE TELECOMMUNICATIONS)	
SERVICES AND LOCAL EXCHANGE)	TC06-098
SERVICES IN SOUTH DAKOTA)	

On July 26, 2006, the Public Utilities Commission (Commission) received an application for a certificate of authority from American Fiber Network, Inc. (American Fiber).

On July 27, 2006, the Commission electronically transmitted notice of the filing and the intervention deadline of August 11, 2006, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled November 14, 2006, meeting, the Commission considered American Fiber'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 49-31-3 and 49-31-69 and ARSD 20:10:24:02, 20:10:24:03 and 20:10:32:03. The Commission finds that American Fiber has met the legal requirements established for the granting of a certificate of authority. American Fiber 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 American Fiber'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 American Fiber 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 American Fiber choose to provide local exchange services statewide, with respect to rural telephone companies, American Fiber 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 American Fiber's application for a certificate of authority to provide interexchange telecommunications services and local exchange services is granted, subject to a continuous \$25,000 surety bond; and it is

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

FURTHER ORDERED, that the Commission shall authorize American Fiber 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 4th day of December, 2006.

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: <u><i>Delaine Kalbo</i></u>
Date: <u><i>12/5/06</i></u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSIONER:

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner

Gary Hanson
GARY HANSON, Commissioner