

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

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
KENTUCKY DATA LINK, INC. FOR A)	CERTIFICATE OF
CERTIFICATE OF AUTHORITY TO PROVIDE)	AUTHORITY
INTEREXCHANGE TELECOMMUNICATIONS)	
SERVICES AND LOCAL EXCHANGE)	TC08-039
SERVICES IN SOUTH DAKOTA)	

On April 11, 2008, the Public Utilities Commission (Commission) received an application for a certificate of authority from Kentucky Data Link, Inc. (Kentucky Data).

On April 17, 2008, the Commission electronically transmitted notice of the filing and the intervention deadline of May 2, 2008, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled May 20, 2008, meeting, the Commission considered Kentucky Data's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to rural safeguards and that the Commission grant Kentucky Data's request for confidential treatment of its financial statements.

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 Kentucky Data has met the legal requirements established for the granting of a certificate of authority. Kentucky Data 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 Kentucky Data's application for a certificate of authority, subject to rural safeguards and grants Kentucky Data's request for confidential treatment of its financial statements. The certificate of authority for Kentucky Data 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 Kentucky Data choose to provide local exchange services statewide, with respect to rural telephone companies, Kentucky Data 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 Kentucky Data's application for a certificate of authority to provide interexchange telecommunications services and local exchange services is granted. It is

FURTHER ORDERED, that confidential treatment be granted to Kentucky Data's financial statements. It is

FURTHER ORDERED, that the Commission shall authorize Kentucky Data to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company. It is

FURTHER ORDERED, that this order constitutes your certificate of authority as described above.

Dated at Pierre, South Dakota, this 28th day of May, 2008.

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> Steve Kolbeck </u>
Date: <u> 5/29/08 </u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

 Gary Hanson
GARY HANSON, Chairman

 Steve Kolbeck
STEVE KOLBECK, Commissioner

 Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner