

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

IN THE MATTER OF THE APPLICATION OF)	
BROADVIEW NETWORKS, INC. FOR A)	
CERTIFICATE OF AUTHORITY TO PROVIDE)	ORDER GRANTING
INTEREXCHANGE TELECOMMUNICATIONS)	CERTIFICATE OF
SERVICES AND LOCAL EXCHANGE)	AUTHORITY
SERVICES IN SOUTH DAKOTA)	TC10-003

On January 13, 2010, Broadview Networks, Inc. (Broadview) filed an application for a certificate of authority to provide competitive local exchange services on a facilities-based, UNE-based and/or resold basis and interexchange telecommunications services within the State of South Dakota. Broadview requests authorization to provide service throughout South Dakota, although the Company will initially offer services in areas currently served by Qwest. Before offering service in any small incumbent Local Exchange Carrier exchange area (an area served by an ILEC with less than 10,000 access lines), Broadview will seek to negotiate an interconnection agreement. At that time, the small ILEC may assert rural telephone status under Section 251 (f) of the Telecommunications Act. The Commission then may determine whether the assertion is correct, and if so, whether and under what terms and conditions interconnection would be provided. On January 28, 2010, South Dakota Telecommunications Association (SDTA) filed a Petition to Intervene. On February 4, 2010, Broadview filed 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. On February 4, 2010, SDTA notified Staff that it was no longer pursuing intervention.

At the February 23, 2010, meeting, the Commission considered Broadview's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to the condition that Broadview not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments without prior approval of the Commission, and subject to rural safeguards and that the Commission grant the requested waivers.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3 and ARSD 20:10:24:02 and 20:10:32:03. The Commission finds that Broadview has met the legal requirements established for the granting of a certificate of authority. Broadview has, in accordance with SDCL 49-31-3, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota.

The Commission approves Broadview's application for a certificate of authority subject to the condition that Broadview not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments without prior approval of the Commission, and subject to rural safeguards. The certificate of authority for Broadview 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 Broadview choose to provide local exchange services statewide, with respect to rural telephone companies, Broadview 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 Broadview's application for a certificate of authority to provide interexchange telecommunications services and local exchange services is granted, subject to the condition that Broadview not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments without prior approval of the Commission, and subject to rural safeguards. It is

FURTHER ORDERED, that this certificate of authority authorizes Broadview to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company. It is

FURTHER ORDERED, that Broadview's request for waiver of ARSD 20:10:24:02(9) and 20:10:32:03(12) is hereby granted. It is

FURTHER ORDERED, that this order constitutes Broadview's certificate of authority as described above.

Dated at Pierre, South Dakota, this 1st day of March, 2010.

<p align="center">CERTIFICATE OF SERVICE</p> <p>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, electronically.</p> <p>By: <u><i>[Signature]</i></u></p> <p>Date: <u>03/01/10</u></p> <p align="center">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

[Signature]
DUSTIN M. JOHNSON, Chairman

[Signature]
STEVE KOLBECK, Commissioner

[Signature]
GARY HANSON, Commissioner