



ORIGINAL



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Corporate Offices:
100 Meridian Centre
Suite 250
Rochester, NY 14618-3979

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#63936

Phone: (716)340-5400
Fax: (716)340-5401
info@americanfibersystems.com
www.americanfibersystems.com



September 6, 2001

VIA OVERNIGHT DELIVERY

Marta Kalleberg
Docket Control Center
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007-2996

RECEIVED
2001 SEP 10 A 8:44
AZ CORP COMMISSION
DOCUMENT CONTROL

Re: Surety Bond \$100,000.00
Docket No. T-03980A-01-0025, Decision 63936

Dear Ms. Kalleberg:

On behalf of American Fiber Systems, Inc. ("AFS"), enclosed please find one original and one copy of our Surety Bond for \$100,000.00 as required for our Certificate of Public Convenience and Necessity.

Please date stamp the enclosed extra copy of the bond and return it in the self-addressed, postage paid envelope provided. Should you have any questions regarding this filing, please do not hesitate to contact me at (716) 340-5400 ext.134.

Respectfully submitted,

Shelly A. McGleno
Paralegal
American Fiber Systems

Arizona Corporation Commission
DOCKETED

SEP 10 2001

DOCKETED BY

copy

ORIGINAL

RECEIVED

Bond Number#08310517

2001 SEP 10 A 8:45

\$100,000.00

AZ CORP COMMISSION
DOCUMENT CONTROL
SURETY BOND

Know all men be these presents, that we AMERICAN FIBER SYSTEMS, INC., 100 Meridian Centre, Rochester, NY 14618, as Principal and Fidelity and Deposit Company of Maryland, a corporation organized under the laws of the State of Maryland, and duly authorized to transact business in the State of New York as Surety, are held and firmly bound unto Arizona Corporation Commission, 1200 W. Washington St., Phoenix, AR 85007, in the penal sum of One Hundred Thousand & 00/100 Dollars (\$100,000.00), lawful money of the United States, to the payment of which we hereby bind ourselves and our heirs, administrators, successors, and assigns, jointly and severally and firmly by these presents.

Whereas, the above bounden Principal has applied for a Certificate of Convenience and Necessity ("CCN") to provide intrastate telecommunications services in the State of Arizona.

Now, therefore, the condition of this obligation is such that, if the above bounden Principal shall faithfully perform and abide by all of the terms and conditions in the underlying Certificate of Convenience, then this obligation shall be void, otherwise to remain in full force and effect, but in no event shall liability hereunder exceed the penal sum hereof.

It is further agreed that the Surety may cancel this Bond by giving thirty (30) days written notice to Arizona Corporation Commission, 1200 W. Washington St., Phoenix, AR 85007.

In witness whereof, the Principal and Surety have hereunto set their hands and seals this 31st day of August, 2001.

Attest:

AMERICAN FIBER SYSTEMS, INC.

By: *Gloria...*

Attest:

Cheryl M. Davis

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By: *Christine A Callari*
Christine A. Callari, Attorney-in-Fact

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
HOME OFFICE: P.O. BOX 1227, BALTIMORE, MD 21203-1227

Know ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by M. J. ANDERSON, Vice President, and T. E. SMITH, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **Christine A. CALLARI, Nancy MANCUSO and Joan M. CALL**, all of Rochester, New York, EACH its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings** and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of **George R. WEISS, Karen J. MINARDO, Barbara E. COUNTRYMAN, Christine A. CALLARI, and Joan M. CALL**, dated April 15, 1999.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 25th day of August, A.D. 2000.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



T. E. Smith
T. E. Smith
Assistant Secretary

By: *M. J. Anderson*
M. J. Anderson
Vice President

State of Maryland }
County of Baltimore } ss:

On this 25th day of August, A.D. 2000, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came M. J. ANDERSON, Vice President, and T. E. SMITH, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself deposed and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Carol J. Fader

Carol J. Fader
Notary Public
My Commission Expires: August 1, 2004

NEW YORK 'ALL-PURPOSE' ACKNOWLEDGMENT

REAL PROPERTY LAW §309-a

State of New York }
County of MONROE } ss.

On the 4TH day of SEPTEMBER in the year 2001
Day Month Year

before me, the undersigned, a Notary Public in and for said state,
personally appeared GITA RAMACHANDRAN, personally
Name of Signer
known to me or proved to me on the basis of satisfactory evidence to
be the individual(s) whose name(s) is (are) subscribed to the within
instrument and acknowledged to me that he/she/they executed the
same in his/her/their capacity(ies), and that by his/her/their
signature(s) on the instrument, the individual(s), or the person upon
behalf of which the individual(s) acted, executed the instrument.

MARTIN CONSTABLE
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires November 28, 2002

Martin Constable
Signature of Notary Public

OPTIONAL

Though the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

NEW YORK 'ALL-PURPOSE' ACKNOWLEDGMENT

REAL PROPERTY LAW §309-a

State of New York }
County of Monroe } SS.

On the 31st day of August in the year 2001
before me, the undersigned, a Notary Public in and for said state,
personally appeared Christine A. Callari, personally
known to me or proved to me on the basis of satisfactory evidence to
be the individual(s) whose name(s) is (~~are~~) subscribed to the within
instrument and acknowledged to me that ~~he/she/they~~ executed the
same in ~~his/her/their~~ capacity(~~ies~~), and that by ~~his/her/their~~
signature(~~s~~) on the instrument, the individual(s), or the person upon
behalf of which the individual(s) acted, executed the instrument.

CHERYL M. GAINES
Notary Public State of New York
No. 01 GA 6006 896
Qualified in Monroe County
Commission Expires May 11, 2002

Cheryl M. Gaines
Signature of Notary Public

OPTIONAL

Though the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.



Description of Attached Document

Title or Type of Document: _____
Document Date: _____ Number of Pages: _____
Signer(s) Other Than Named Above: _____



FIDELITY AND DEPOSIT COMPANY

OF MARYLAND
3910 Keswick Road BALTIMORE, MD 21211

Statement of Financial Condition
As Of December 31, 2000

ASSETS

Table with 2 columns: Asset Name and Amount. Rows include Bonds, Stocks, Mortgage Loans, Cash in Banks and Offices and Short Term Investments, Premiums in Course of Collection (less than 90 days old), Reinsurance and Other Accounts Receivable, and TOTAL ADMITTED ASSETS.

LIABILITIES, SURPLUS AND OTHER FUNDS

Table with 2 columns: Liability/Surplus Name and Amount. Rows include Reserve for Unearned Premium, Reserve for Taxes and Expenses, Payable to Parent, Subsidiaries and Affiliates, Miscellaneous, TOTAL LIABILITIES, Capital Stock, Paid Up, Surplus, Surplus as regards Policyholders, and TOTAL.

Securities carried at \$22,176,216 in the above statement are deposited as required by law.

Securities carried on the basis prescribed by the National Association of Insurance Commissioners. On the basis of December 31, 2000 market quotations for all bonds and stocks owned, the Company's total admitted assets would be \$179,988,696 and surplus as regards policyholders \$157,255,852.

I, DAVID A. LEVINSON, Vice President of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing statement is a correct exhibit of the assets and liabilities of the said Company on the 31st day of December, 2000.

Handwritten signature of David A. Levinson

Vice President

State of Illinois }
City of Schaumburg } SS:

Subscribed and sworn to, before me, a Notary Public of the State of Illinois, in the City of Schaumburg, this 31 st day of December, 2000.

Handwritten signature of Marlo G. Sarabyn

Notary Public

My commission expires February 24, 2004.

OFFICIAL SEAL
MARLO G. SARABYN
Notary Public, State of Illinois
My Commission Expires 02/24/2004