

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

IN THE MATTER OF THE APPLICATION)	ORDER GRANTING
BY UNITI NATIONAL LLC FOR)	CERTIFICATE OF
CERTIFICATES OF AUTHORITY TO)	AUTHORITY; ORDER
PROVIDE LOCAL EXCHANGE AND)	GRANTING JOINT
INTEREXCHANGE)	STIPULATION; ORDER
TELECOMMUNICATIONS SERVICES IN)	GRANTING WAIVER
THE STATE OF SOUTH DAKOTA)	

TC21-002

On January 27, 2021, the South Dakota Public Utilities Commission (Commission) received an Application for a Certificate of Authority to provide local exchange and interexchange telecommunications services in the state from Uniti National, LLC (Uniti). Specifically, Uniti seeks to provide facilities-based and resold local exchange telecommunications services that do not require an interconnection agreement in the state. Uniti does not seek to provide switched access services or other retail voice services.

On January 28, 2021, the Commission electronically transmitted notice of the filing and the intervention deadline of February 12, 2021, to interested individuals and entities on the Commission's PUC Weekly Filing electronic listserv. On February 8, 2021, the South Dakota Telecommunications Association (SDTA) filed a Petition to Intervene. On February 22, 2021, the Commission issued an order granting Intervention to SDTA. On April 22, 2021, SDTA and Uniti filed a Joint Stipulation.

At its regularly scheduled meeting on July 6, 2021, the Commission considered this matter. Commission staff recommended granting a certificate of authority subject to the terms and conditions included in the Joint Stipulation and with the conditions that, for retail purposes, Uniti 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 Uniti's request for a waiver of ARSD 20:10:32:10.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3 and 49-31-69 through 49-31-75, and ARSD 20:10:24:02 and 20:10:32:03. The Commission finds that Uniti has met the legal requirements established for the granting of a certificate of authority. Uniti 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 voted unanimously to approve Uniti's application for a certificate of authority subject to the the conditions that, for retail purposes, Uniti 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 be subject to rural safeguards. The Commission further voted unanimously to grant Uniti's request for a waiver of ARSD 20:10:32:10 and approved Uniti's application for a certificate of authority subject to the terms and conditions as set forth in # 3 of the Joint Stipulation:

- a. The Parties agree that the Certificate of Authority granted by the Commission to Uniti should be limited to authorizing only the provisioning of the services included in the Application which do not require Uniti to obtain local network interconnection (either through direct or indirect interconnections) with rural telephone companies.
- b. The Certificate of Authority granted by the Commission should not permit Uniti or any of its affiliates to provide directly any telephone exchange services, switched

access services, or interconnected VoIP services requiring interconnection with the public switched telephone network within rural telephone company service areas. In addition, Uniti agrees that, at this time, the offering of any of its facilities-based or resold, non-switched services in South Dakota's rural service areas do not require Uniti to request, or rely on, interconnection services from rural telephone companies.

- c. In the future, if Uniti chooses to provide telephone exchange services, switched access services, or interconnected VoIP services requiring interconnection with the public switched telephone network within any area served by a rural telephone company, Uniti is required to come before the Commission in another proceeding before being able to provide local exchange service in that rural service area pursuant to 47 U.S.C. § 253(f). This will allow the Commission to consider requiring Uniti to meet the requirements in 47 U.S.C. § 214(e)(1) for designation as an eligible telecommunications carrier in the rural telephone company service area.
- d. The Parties agree that the grant of statewide certification to Uniti as specified herein 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 Uniti's application for a certificate of authority to provide interexchange services in South Dakota is granted subject to the terms and conditions included in the Joint Settlement. It is further

ORDERED, that Uniti's request for a certificate of authority to provide local exchange services is granted, subject to the terms and conditions included in the Joint Stipulation. It is further

ORDERED, that Uniti's request for a waiver of ARSD 20:10:32:10 is hereby granted. It is further

ORDERED, that this order constitutes Uniti's Certificate of Authority as described above.

Dated at Pierre, South Dakota, this 8th day of July 2021.

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, electronically or by mail.
By: <u>Adam de Huelde</u>
Date: <u>7/8/21</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner