

Application for Authorization

Toly Digital Networks, Inc. (hereinafter referred to as "Applicant") respectfully requests that the South Dakota Public Utilities Commission (hereinafter referred to as "Commission") grant Applicant authority pursuant to SDCL 49-31-3 and in accordance with ARSD 20:10:24:02 to provide intrastate telecommunications services with South Dakota through the resale of similar services offered by other interexchange carriers ("IXCs" in the state. Applicant, for purposes of verification, and in evidence of its fitness to operate and the public need for its services, offers the following information in support of this Application: In support it's Application, the Applicant states as follows:

(1) The applicant's name, address, telephone number, facsimile number, web page, URL, and e-mail address:

a. The name, address and telephone number of Applicant:

Toly Digital Networks, Inc.
1005 W Indiantown Rd., Ste. 201
Jupiter, FL 33458
T: (561)694-8655
F: (561)694-8656
Website: <http://www.tolydigital.com>
E-mail: mark.suto@tolydigital.com

b. Correspondence regarding this Application should be directed to:

Beth Brandenstein
GS Associates, LLC
6250 Shiloh Rd. Ste. 240
Alpharetta, GA 30005
T: (866)766-3591 Ext. 7012
E-mail: beth@gsaudits.com

(2) A description of the legal and organizational structure of the applicant's company:

a. Applicant was organized in the State of Florida on August 22, 1995 as a corporation. A copy of the Applicant's Articles of Incorporation and Certificate of Existence with Status in Good Standing have been attached as "Exhibit A".

b. The names and addresses of Applicant's shareholders, along with percentage owned, and current Officers:

Officers:

President: Aaron Suto
Vice-President: Mark W. Suto
Vice-President: Mark E. Suto
Treasurer: Mark W. Suto
Secretary: Nancy Suto

Directors:

Aaron Suto
Mark W. Suto
Mark E. Suto
Nancy Suto

Percentage Ownership:

Aaron Suto: 51%
Mark E. Suto: 20%
Nancy Suto: 20%
Mark W Suto: 8%
Minority Shareholder: 1%

In support of the Applicant's managerial and technical ability to provide the services for which authority is sought herein, Applicant submits biographies of key personnel as "Exhibit B".

- (3) *The name under which the applicant will provide interexchange services if different than in subdivision (1) of this section*
 - a. Applicant shall provide services under the name: Toly Digital Networks, Inc.
- (4) A copy of the applicant's certificate of authority to transact business in South Dakota from the Secretary of State
 - a. A copy of the Applicant's South Dakota Certificate of Authority for Foreign Corporation is attached as "Exhibit C".
- (5) The location of the applicant's principal office, if any, in this state and the name and address of its current registered agent, if applicable
 - a. Applicant has no principal office in the state of South Dakota. Applicant's registered agent is National Corporate Research, LTD, 326 N Madison Ave, Pierre, SD 57501.
- (6) A list and specific description of the telecommunications services the applicant intends to offer;
 - a. Sell wholesale to CLECs and ILECs and does not sell service to end users.
- (7) A detailed statement of how the applicant will provide its services
 - a. Toly Digital resells telecommunications services to rural ILEC & CLEC customers so they can resell them to their end users. Toly Digital provides the services by connecting them to our underlying carriers that can provide the type of service needed by the customer. Services can be provided via IP connections or standard TDM trunking.
- (8) A service area map or narrative description indicating with particularity the geographic area proposed to be served by the applicant
 - a. Applicant shall offer services on all equal-access areas within the State of South Dakota, with the intent to do business on a statewide basis. Accordingly, Applicant does not attach a map describing service boundaries.

- (9) For the most recent 12 month period, financial statements of the applicant including a balance sheet, income statement, and cash flow statement. The applicant shall provide audited financial statements, if available;
- a. In support of the Applicant's financial ability to provide the proposed services, Applicant has attached their 2013 Financial Statements as "Exhibit D". "Exhibit D" has been submitted as **confidential** and shall be deemed as such.
- (10) The names, addresses, telephone number, facsimile number, E-mail address, and toll free number of the applicant's representatives to whom all inquiries must be made regarding complaints and regulatory matters and a description of how the applicant handles customer service matters
- a. All complaints shall be directed to:

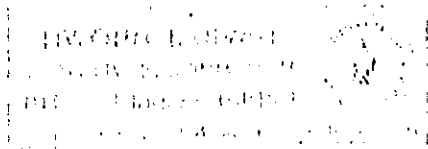
Customer Service
Toly Digital Networks, Inc.
1005 W Indiantown Rd., Ste. 201
Jupiter, FL 33458
T: 561-694-8655
F: 561-694-8656
E-mail: mark.suto@tolydigital.net
 - b. Regulatory matters shall be directed to:

Beth Brandenstein
GS Associates
5400 Laurel Springs Pkwy, Ste. 404
Suwanee, GA 30024
T: 866-766-3591 Ext. 7012
F: 866-611-5443
E-mail: beth@gsaudits.com
 - c. Customer complaints shall be addressed in an escalation method as follows:
Can be sent directly to Mark Suto, Vice President, at 1005 W Indiantown Rd., Ste. 201, Jupiter, FL 33458, or via e-mail at mark.suto@tolydigital.net, or by phone at 561-694-8655
- (11) Information concerning how the applicant plans to bill and collect charges from customers
- a. The Applicant will schedule monthly billing to customers. Payment is due by the invoice date printed on the bill. A sample of a Toly Digital Networks, Inc. invoice has been attached as "Exhibit E".
- (12) Information concerning the applicant's policies relating to solicitation of new customers and a description of the efforts the applicant shall use to prevent the unauthorized switching of interexchange customers;

- a. Applicant will use fair and reasonable industry standards to maintain its no slamming policy of customers. Applicant's policy will require a signed letter of authorization from the customer.
- (13) Information concerning how the applicant will make available to any person information concerning the applicant's current rates, terms, and conditions for all of its telecommunications services
 - a. Applicant will make available to any person information concerning the Applicant's current rates, terms, and conditions for all of its telecommunications services by: Following consultative meetings to determine best telecommunications solutions, Toly Digital provides detailed rates for the services required generally either via paper or e-mail with attachments as needed.
- (14) Information concerning how the applicant will notify a customer of any materially adverse change to any rate, term, or condition of any telecommunications service being provided to the customer. The notification must be made at least thirty days in advance of the change;
 - a. Applicant will notify a customer of any materially adverse change to any rate, term, or condition of telecommunications service to the customer through either a message in the bill, or a bill insert. The notification shall be made at least thirty days in advance of the change.
- (15) A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable;
 - a. Applicant is authorized to provide the resale of telecommunications services in the following jurisdictions: Alabama, Colorado, Connecticut, Florida, Georgia, Iowa, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maine, Michigan, Missouri, Mississippi, North Dakota, Nebraska, New Hampshire, New York, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Utah, Vermont, and Wisconsin. Additionally, Applicant has never been denied registration or certification in any jurisdiction and is in good standing with the regulatory agency in each jurisdiction.
- (16) A description of how the applicant intends to market its services, its target market, whether the applicant engages in any multilevel marketing, and copies of any company brochures used to assist in the sale of services;
 - a. Toly Digital does business face to face. They meet potential customers via referrals from other customers or at industry conferences and follow up with their personal meetings. They only target ILECs and CLECs that need their telecommunications services to offer to their customers.
- (17) Federal tax identification number and South Dakota sales tax number;
 - a. Applicant's federal tax identification number is 65-0651749.
 - b. Applicant's South Dakota sales tax number is 1026-7595-ST.

- (18) The number and nature of complaints filed against the applicant with any state or federal regulatory commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered;
- a. Applicant has not received complaints with any state or federal regulatory commission regarding the unauthorized switching of a customer's telecommunications provider or for the act of charging customers for services that have not been ordered.
- (19) A written request for waiver of those rules the applicant believes to be inapplicable;
- (20) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the interexchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.
- a. Applicant has no additional information that it believes may be relevant to the Applicant's qualifications to provide the proposed service.

Wherefore, Toly Digital Networks, Inc., respectfully requests that this Commission grant it authority to transact the business of a reseller of voice interexchange and data telecommunications services on a wholesale basis within the State of South Dakota.



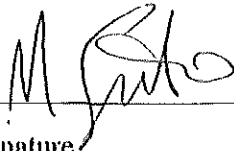
Respectfully Submitted,
Toly Digital Networks, Inc.

Dated: June 18, 2014

By: 
Mark Suto, Vice President

Verification


I, Mark Suto, being duly sworn, do hereby certify, depose and state that I am the authorized Representative for Toly Digital Networks, Inc. in this proceeding; and that I have read the above and foregoing Application and the allegations contained within are true and correct to the best of my knowledge, information and belief; and I further state that I am authorized to verify the foregoing application by the above said applicant.



Signature

Subscribed and sworn to before me, a Notary Public, this _____ day of _____ 2014.





Signature of Notary Public