

BEFORE THE
PUBLIC SERVICES COMMISSION
OF THE STATE OF SOUTH DAKOTA

-----)
APPLICATION OF)
VITCOM LLC) DOCKET NO.
FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO)
OPERATE FACILITIES-BASED AND RESOLD)
LOCAL EXCHANGE AND INTEREXCHANGE)
SERVICES IN THE STATE OF SOUTH DAKOTA)
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APPLICATION OF VITCOM LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY TO OPERATE FACILITIES-BASED AND RESOLD LOCAL
EXCHANGE AND INTEREXCHANGE SERVICES IN THE STATE OF SOUTH DAKOTA

VITCOM, LLC (“VITCOM”), by its undersigned representative and the rules of the Public Services Commission of South Dakota ("Commission"), hereby applies for a Certificate of Public Convenience and Necessity to authorize it to operate as a facilities-based and resold local exchange telecommunications services throughout the State of South Dakota. Vitcom makes this Petition in accordance with 20:10:32:03.

The State of South Dakota has adopted a policy of allowing competition in the local and long distance telecommunications markets, recognizing that it is in the public interest to develop effective competition to ensure that all consumers will have access to high quality, low cost, and innovative telecommunications services. The federal Telecommunications Act of 1996 also seeks to promote competition and reduce regulation in order to secure lower prices and higher quality telecommunications services for American consumers. Both goals will be promoted by granting this Application.

In support of its application, Vitcom submits the following information:

I. **INTRODUCTION**

1. Vitcom is a limited liability corporation organized on April 25, 2006, under the laws of the State of New York. Vitcom was authorized to provide telecommunications services in New York in NY DPS case no. 06-C-0554.

FEIN - 20-4751388

SD Sales Tax ID-Forms filed, ID number pending processing.

2. Identification of applicant and principal business office:

Company Name: **Vitcom LLC**

Street Address: **1425 37th Street, Suite 214, Brooklyn, NY 11218**

President and Telephone/Fax: **Zalmen Ashkenazi, President, 212-571-4000**

Phone / 718-689-1379

Website: www.vitcom.net

Email: zashkenazi@vitcom.net

Ownership – Zalmen Ashkenazi, 100%

COPIES OF ALL CORRESPONDENCE AND REGULATORY ISSUES
SHOULD BE SENT TO:

Mordy Gross, 1425 37th St., Suite 214, Brooklyn, NY 11218 (484) 680 -0768,

mg@vitcom.net

3. Registered Agent in South Dakota

InCorp Services Inc.

400 North Main Ave

Suite 206

Sioux Falls, SD 57104-5979

Vitcom has no other offices in South Dakota

4. Consumer complaint contact:

Zalmen Ashkenazi, President, 212-571-4000 Phone / 718-689-1379 Facsimile
1425 37th Street, Suite 214 Brooklyn, NY 11218

5. Authority to Transact Business in South Dakota

A Certificate of Authority to Do Business as a Foreign Corporation in South Dakota is attached hereto as Exhibit A.

The officers and directors of Vitcom are:

Zalmen Ashkenazi, President

6. General description of the services to be offered

Upon receiving certification, the company intends to provide interstate and intrastate resold and facilities-based/UNE telecommunications services in South Dakota, including the following:

1. Interexchange (switched and dedicated services):

- A. 1+ and 101XXXXX outbound dialing;
- B. 800/888 toll-free inbound dialing;
- C. Prepaid and Postpaid calling cards;
- D. Directory Assistance; and
- E. Frame Relay and other data services.

2. Local Exchange:

- A. Local Exchange Services for business and residence customers that will enable customers to originate and terminate local calls in the local calling area served by other LECs, including local dial tone and custom calling features.
- B. Switched local exchange services such as flat-rated and measure-rated local services; vertical services, Direct Inward and Outward Dialed trunks, carrier access, public and semi-

- public coin telephone services, and any other switched local services that currently exist or will exist in the future.
- C. Non-switched local services (e.g., private line) that currently exist or will exist in the future.
- D. Centrex and/or Centrex-like services that currently exist or will exist in the future.
- E. Digital subscriber line, ISDN, and other high capacity line services.
- F. VOIP Services.

Vitcom intends on serving primarily business customers. Vitcom intends to start serving customers via resale arrangements with the ILECs. Upon reaching sufficient customer density to make it financially and technically feasible, Vitcom will lease UNEs from the ILEC to serve its customers, collocating in the ILEC's central offices.

7. Public Interest

Grant of this Application will further the public interest and enhance competition by expanding the availability of competitive telecommunications services in the State of South Dakota. In addition, intrastate offering of these services is in the public interest because the services will provide customers with access to new technologies and service choices, and can permit customers to achieve increased efficiencies and cost savings. Applicant's entry into the telecommunications services market thereby will enhance materially the telecommunications infrastructure in the State of South Dakota and will facilitate economic development.

In particular, the public will benefit directly, through the use of the competitive services to be offered by Applicant, and indirectly, because the presence of Applicant in this market will increase the incentives for other telecommunications providers to operate more efficiently, offer more innovative services, reduce their prices, and improve their quality of service.

8. Service Territory

Applicant requests authority to operate throughout the State of South Dakota. Applicant proposes to generally offer interexchange services on a statewide basis, subject to the availability of

facilities and will provision telecommunication services through a combination of its own facilities, facilities leased from other carriers, and resale of facilities and equipment of Incumbent Local Exchange Carriers ("ILECs") operating in South Dakota. Vitcom's facilities may include ducts, wires, cables, end-office switches, telecommunications equipment and other telecommunications transmission facilities. Facilities-based service will be provided via (1) commercial wholesale agreement with incumbents or other carriers, (2) Vitcom's own facilities, or (3) a combination thereof.

Service Area/Map- Vitcom will initially serve the service areas currently served by Qwest Corporation dba CenturyLink QC, and will adopt its service maps on file with the Commission. Vitcom seeks statewide authority, except in Rural and Small exchange with less than 5000 access lines.

9. Information sufficient to support assertion regarding financial qualifications

As evidence that Vitcom possesses the required financial qualifications to provide services, attached are Vitcom's financial statements, as Exhibit B.

Applicant will serve local exchange subscribers utilizing a combination of incumbent local exchange carrier unbundled network elements ("UNEs") and resold services. The Company's interexchange services will be provided through resale and lease of underlying network facilities. Applicant will not construct its own facilities. Applicant's technical ability to provide services will rely substantially on the technical capabilities and network services of its underlying carriers, all of which have been certified and deemed technically and managerially capable of providing telecommunications services in South Dakota.

Particularly because Applicant will not construct facilities, it has more than adequate capital to launch services in South Dakota. There is no impact on rate payer rates resulting from

Applicant's entry into South Dakota. In light of Applicant's reliance on existing facilities, Applicant defers to the engineering plans of its underlying incumbent local exchange and interexchange carriers. Applicant requires no operating authorization from State Health or Environmental Quality authorities.

Applicant will negotiate interconnection and resale arrangements with CenturyLink, and competitive carriers as most appropriate. The initial request is attached hereto as **exhibit D**. Subsequently, as noted, the Company may expand its operations into additional operating territories and will negotiate agreements with other incumbent local exchange carriers. The resulting interconnection agreement(s) will be filed for approval with the Commission pursuant to section 252(e)3 of the Telecommunications Act of 1996 ("Act").

10. Information sufficient to support assertion regarding technical qualifications
Attached hereto as **Exhibit C** are Vitcom's managerial resumes.

Vitcom possesses industry standard policies and procedures, which ensure its ability to respond to customer complaints and inquiries promptly and to perform facility and equipment maintenance necessary to ensure compliance with any commission quality of service requirements.

Vitcom will contract with the underlying LEC for 911 service, TRS, directory assistance and operator services. In the case of VOIP service, Vitcom has contracts with existing third party 911 providers. Vitcom will provide its own interexchange service.

11. List of Jurisdictions where authority exists or is pending:

Vitcom is certified by the Department of Public Services of the following states:

- Colorado
- Florida
- Illinois
- Indiana
- Kentucky

- Maryland
- Massachusetts
- Michigan
- Montana
- Nevada
- New Jersey
- New York
- Ohio
- Oregon
- Pennsylvania
- Rhode Island
- Texas
- Utah
- Vermont
- Washington
- West Virginia

Vitcom has applied for certification in the following states:

- Alabama
- Arizona
- Arkansas
- California
- Georgia
- Hawaii
- Idaho
- Maine
- Mississippi
- New Hampshire
- North Dakota
- Oklahoma
- South Carolina
- Virginia
- Wisconsin
- Wyoming

Vitcom's authority has not been revoked in any state.

Vitcom is in good standing in all the states where it is registered or certified.

Vitcom does not have any complaints submitted against it in any state or by the FCC regarding unauthorized switching of customers.

12. Statement as to civil or criminal proceedings

There have been no civil or criminal proceedings against the applicant in any jurisdiction.

13. Description of Marketing

Vitcom markets via its website, www.vitcom.net, and via agents and other resellers. Its target market are VARs and businesses.

14. Description of Billing Practices, subscription practices

Vitcom bills its customers via email invoices, or paper, as selected by the Customer. Vitcom utilizes a third-party billing agent to print and send the bills.

All customers must execute a Letter of Authorization before service is initiated. A sample is annexed hereto as **Exhibit E**.

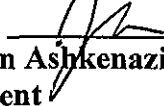
In view of the foregoing, Applicant hereby respectfully submits that the public convenience and necessity would be served by the grant of this Petition for Approval to Provide Local Exchange and Interexchange Telecommunications Services throughout the State of South Dakota.

Brooklyn, NY

Sept 1, 2015

Respectfully Submitted

Vitcom LLC

By: 
Zalmen Ashkenazi,
President