

Docket Number: TC15-062
Subject Matter: Second Data Request
Request to: NextGen Communications, Inc.
Request from: South Dakota Public Utilities Commission Staff
Date of Request: October 14, 2015
Responses Due: October 28, 2015

2-1. The name "NextGen Communications, Inc." cannot be found on the website provided in the application, pursuant to ARSD 20:10:24:02(1). Pursuant to ARSD 20:10:24:02(3), provide the name under which the applicant will provide local exchange services in South Dakota that can be found on the website included in ARSD 20:10:24:02(1).

Answer: *NextGen Communications, Inc. is now listed on the TCS website at the following URL: <http://www.telecomsys.com/products/public-safety/NxGenCo.aspx>.*

2-2. There are several subsidiaries on Exhibit 21.1 in Attachment 1.7 that are not listed in Data Request 1-9. Are the subsidiaries under the Telmap umbrella no longer owned by TCS?

Answer: *The subsidiaries in Attachment 1.7, Exhibit 21.1 that are not listed in the response to Data Request 1-9 are still owned by TCS, but are no longer operating businesses. TCS is in the process of dissolving the entities under the Telmap umbrella.*

2-3. On what date will NextGen begin providing services in South Dakota that require the Public Utilities Commission's approval?

Answer: *NextGen anticipates providing services starting in the second quarter (Q2) of 2016.*

2-4. Please provide a network facilities diagram that depicts the local exchange services and interexchange services NextGen plans to provide in South Dakota. The diagram should provide the path of 9-1-1 calls from the end user to the PSAP, including all facilities NextGen plans to use in order to facilitate 9-1-1 call aggregating and routing.

Answer: *See Figure 1 below.*

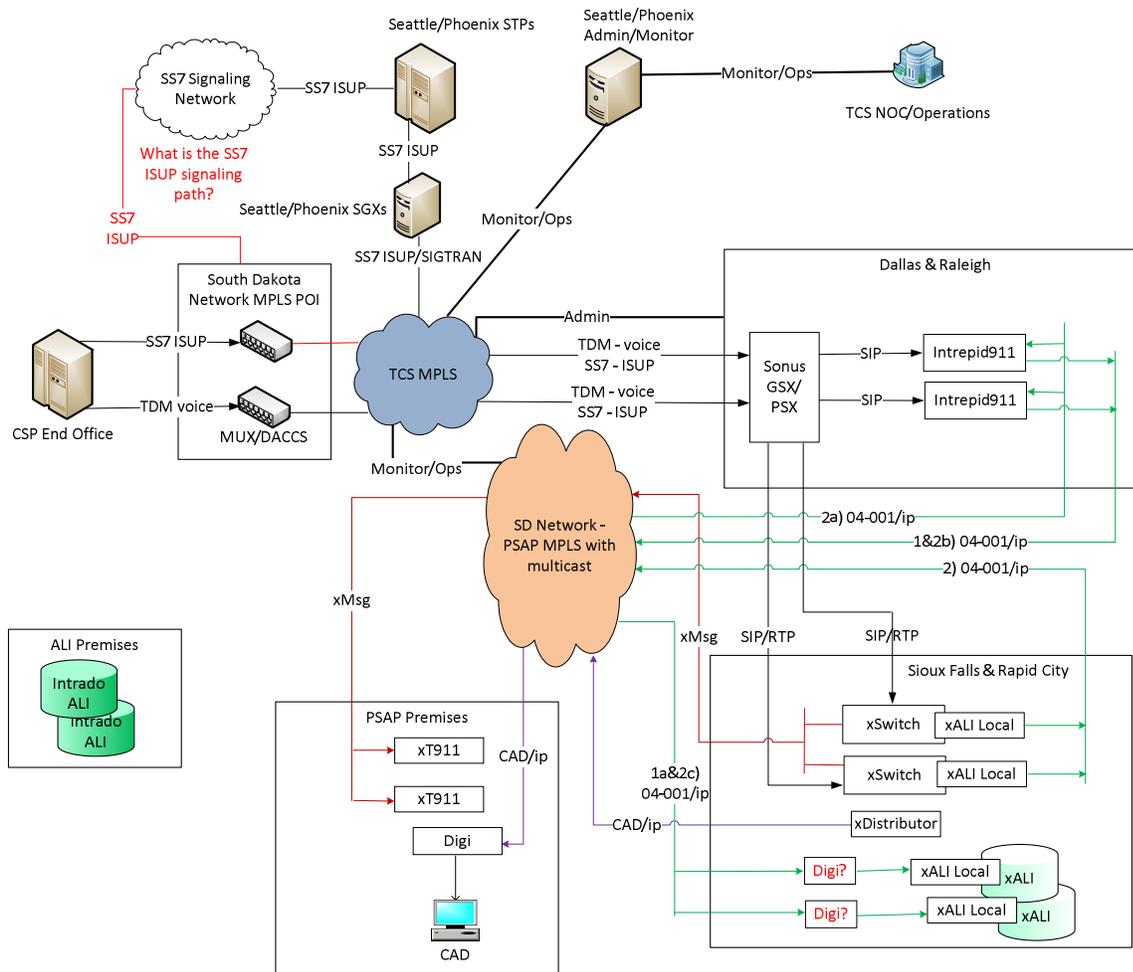


Figure 1: Network Facilities Diagram

2-5. What is the extent of local exchange services NextGen will be providing in South Dakota?

Answer: NextGen will be providing aggregation and routing of 911 traffic acting as the Selective Router to the individual PSAPs.

2-6. If the commission issued a Certificate of Authority to NextGen for Local and Interexchange Services for the purposes of aggregating and routing 9-1-1 emergency calls, subject to rural safeguards, would that be adequate for the company to do business in South Dakota?

Answer: Yes, NextGen believes that a Certificate of Authority of this type would be adequate for NextGen's proposed services, subject to confirmation of specific details of the Certificate of Authority, including resolution of rural safeguard requirements as discussed in the response to Data Request 2-12.

2-7. Please explain why NextGen Communications, Inc., a Maryland company, lists Texas, Minnesota, and Virginia as states in which it is certified to provide telecommunications services, such as in (6) and (16) of the application and in Data Request 1-2.

Answer: NextGen inadvertently reported these states as states in which it is certified to provide telecommunications services.

2-8. Given the answers in (19) of the application and Data Request 1-10, please confirm that NextGen Communications will not pursue any other customers in South Dakota. If that is not the case, please provide the information required of ARSD 20:10:32:03(14), ARSD 20:10:32:03(19), and ARSD 20:10:24:02(12).

Answer: NextGen confirms that it will not pursue any other customers in South Dakota.

2-9. As the State of South Dakota subscribes to NextGen's services, pursuant to ARSD 20:10:32:03(18) and ARSD 20:10:24:02(11), please provide information concerning how NextGen bills and collects charges in South Dakota. Please provide information from the publically available contract and submit it into the docket for the commission.

Answer: NextGen does not currently provide long distance voice toll services or local exchange voice dial tone services to residential or business customers. NextGen will bill its PSAP customers in South Dakota pursuant to the terms of their contracts. The State of South Dakota will pay NextGen the nonrecurring fees and recurring fees pursuant to the payment schedule set forth in Exhibit C to the State of South Dakota Consulting Contract by and between the South Dakota Department of Public Safety and NextGen effective December 18, 2014, as amended (the "Consulting Contract"). A copy of the Consulting Contract is attached is Exhibit 1. The full text, including all Exhibits, is available at <http://open.sd.gov/contracts/14/15-1400-025.pdf>.

2-10. Pursuant to ARSD 20:10:32:03(21) and ARSD 20:10:24:02(13), provide information concerning how NextGen will make available to any person information concerning NextGen's current rates, terms, and conditions for all of its telecommunications services, such as in the public contract with the State of South Dakota.

Answer: NextGen does not currently provide long distance voice toll services or local exchange voice dial tone services to residential or business customers. NextGen provides VPC and MPC service through contracts with PSAPs and carriers. The rates, terms, and conditions will be set forth in those contracts. The rates, terms, and conditions for services provided to the State of South Dakota are set forth in the Consulting Contract, a copy of which is attached is Exhibit 1. The full text, including all Exhibits, is available at <http://open.sd.gov/contracts/14/15-1400-025.pdf>.

2-11. Pursuant to ARSD 20:10:32:03(22) and ARSD 20:10:24:02(14), provide 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, i.e. the State of South Dakota. Also, confirm that the notice provision in the contract conforms to the necessary thirty days in advance of the change.

Answer: NextGen does not currently provide local exchange voice dial tone services to residential or business customers. NextGen will notify PSAPs of any materially adverse change to any rate, term, or condition of any telecommunications service being provided as required pursuant to the terms of their contracts. NextGen will notify the State of South Dakota of any materially adverse change to any rate, term, or condition

of any telecommunications service being provided as required pursuant to the terms of the Consulting Contract. The Consulting Contract requires that NextGen comply with the requirement in ARSD 20:10:32:03(22) and ARSD 20:10:24:02(14) to provide notice at least thirty (30) days in advance of the change, if applicable.

2-12. Does the company believe that it needs a waiver for:

- a. ARSD 20:10:32:03(15)?
- b. ARSD 20:10:32:15, ARSD 20:10:32:16, and ARSD 20:10:32:17, as permitted under ARSD 20:10:32:18?

Answer: NextGen believes a waiver of these rules may be appropriate unless circumstances do not warrant their application. NextGen does not currently provide long distance voice toll services or local exchange services to residential or business customers, and the requirements of ARSD 20:10:32:03(15), ARSD 20:10:32:15, ARSD 20:10:32:16, and ARSD 20:10:32:17 are not generally relevant to the VPC and MPC services that NextGen will provide. Thus, if applicable, the requirements should be waived. Alternatively, NextGen has agreed to discuss this issue with the South Dakota Telecommunications Association ("SDTA") to evaluate other possible resolutions, such as the limited Certificate of Authority contemplated in Data Request 2-6 and/or a stipulation agreement with SDTA similar to what has been used in previous dockets of this type.