

**BEFORE THE
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF THE REQUEST OF) CLARITY TELECOM, LLC FOR) CERTIFICATION REGARDING ITS USE) OF FEDERAL UNIVERSAL SERVICE) SUPPORT)	ANNUAL ETC CERTIFICATION FILING
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Clarity Telecom, LLC dba Vast Broadband (“Vast Broadband” or the “Company”), by and through its attorney, makes this filing to seek certification from the South Dakota Public Utilities Commission (the “Commission”) as is required under 47 C.F.R. § 54.314 and to comply with the provisions of ARSD §§ 20:10:32:52 and 20:10:32:54 of the Commission’s rules pertaining to eligible telecommunications carriers (“ETCs”).

In accordance with 47 C.F.R. § 54.314, federal universal service support provided to carriers pursuant to 47 C.F.R. § 54.305, 54.307, 54.312, 54.800 through 54.809 and/or 54.901 through 54.903 and/or Part 36, Subpart F (interstate access support, interstate common line support/connect America fund broadband loop support, support provided to competitive eligible telecommunications carriers, Connect America Fund support, high-cost loop support, safety net additive support and safety valve support) will be made available only if the State Commission files the requisite annual certification with the FCC and USAC. The certification required specifically for rural carriers to receive federal universal service support for all four quarters during calendar year 2017 is currently due to be filed with the FCC and USAC on or before October 1, 2016. The certification may be presented to these entities in the form of a letter from the State Commission. The letter must identify which carriers in the State are eligible to receive federal support during the 12-month period and must certify that the carriers listed will only use the support for the provision, maintenance and upgrading of facilities and services for which the support is intended.

As part of its annual request to the Commission for certification, the Company provides the following information:

1. The Company is a rural telephone company that has previously been designated by this Commission as an ETC. The Company provides local exchange telephone services, including all of the essential services that are included in the federal definition of universal service, to approximately 2,694 access lines within its established rural incumbent service area in South Dakota and approximately 12,443 access lines within its established competitive rural service area in South Dakota.

2. The provisions of ARSD §§ 20:10:32:54 addressing the annual “Certification requirements” adopted by this Commission indicate in part that the ETC must show “how much universal service support was received.” Accordingly, the Company’s 2015 federal universal service receipts are reflected on Confidential Exhibits A-1 and A-2 hereto (presented as part of the Company’s “Progress Report” required by ARSD § 20:10:32:54(2)). This same confidential Exhibits also shows total expenditures made by the Company in 2015 relating to the provision, maintenance and upgrading of facilities and services for which universal service support is intended under federal law. In addition, to the extent that the Company’s actual capital

investments in 2015 differ from the 2015 planned investment information earlier provided to this Commission (as part of the two-year “service quality improvement plan” filed in 2014) the differences are noted in Confidential Exhibits A-1 and A-2.

Last year, the Company provided as part of its annual certification filing a copy of its 2015 “Form 481” filed with the FCC pursuant to 47 C.F.R. §§ 54.313 and 54.422 which included the “five-year service quality improvement plan”. This five-year plan provided estimates of expenditures to be made by the Company for calendar years 2015 through 2019, related to the provision, maintenance, and upgrading of facilities and services for which universal service support is intended. A progress report on that five-year plan is now provided to the Commission as part of this year’s “Form 481” (line 112) filed with the FCC (attached hereto as Confidential Exhibit B-1 and Exhibit B-2). The Company is using federal universal service support amounts thus far received in 2016 to meet the objectives identified in its service quality improvement plans and will continue to do so with respect to universal service amounts received in 2017. This use of federal universal service support will enable the Company to: (1) maintain rates for its local exchange services that are affordable and reasonably comparable to rates being charged for the same services in urban areas; and (2) to upgrade its telecommunications facilities and equipment as necessary to meet evolving service requirements, including those related to broadband services, and maintain high quality service. The use of federal universal service support for these purposes is clearly consistent with the federal universal service provisions.

3. As noted, attached as Confidential Exhibit B-1 and Exhibit B-2 to this Application are copies of Vast Broadband’s FCC Form 481 filings. The information in these Exhibits, specifically as set forth on lines 220, 300-330 and 400-450, meets the state requirements established by ARSD §§ 20:10:32:54(3), 20:10:32:54(4) and 20:10:32:54(5). An unredacted copy of the FCC Form 481 filing is attached as Exhibits B-3. Also attached as Confidential B-4 is a two year plan for the CLEC operations at Study Area Code 399006.

4. Attached as Exhibit C is a document containing those certifications required under the provisions of ARSD §§ 20:10:32:54(6) and 20:10:32:54(7). The remaining ETC certification rule provisions found in ARSD §§ 20:10:32:54(8) and 20:10:32:54(9) have by Order been waived by this Commission.

5. Attached as Confidential Exhibits D-1 and D-2 are copies of the Company’s FCC Form 477 data as requested by the Commission in Docket TC13-027 by its “Order Clarifying Eligible Telecommunications Carrier Certification Requirements” issued May 20, 2015. Confidential Exhibits D-1 and D-2 include a PDF copy of the completed Form 477 and four spreadsheets with the associated CSV file(s) submitted to the FCC in March 2016.

6. Based on all of the foregoing information, including all information provided within Confidential Exhibits A-1, A-2, B-1, B-4, D-1 and D-2, and Exhibits B-2, B-3, and C (attached hereto), the Company requests that this Commission issue an appropriate certification to the FCC and USAC indicating that Vast Broadband is in compliance with 47 U.S.C. § 254(e) and should receive all federal universal service support determined for distribution to the Company in 2017. In order to ensure that this certification is issued to the FCC prior to October 1, 2016, the Company would further ask the Commission to expedite the process, to the extent needed to meet such deadline.

Dated this 29 day of June 2016.

Respectfully submitted,

A handwritten signature in black ink that reads "Margo D. Northrup". The signature is written in a cursive style and is positioned above a horizontal line.

Margo D. Northrup

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