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June 7, 2018

Ms. Patricia Van Gerpen
SD Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501

Re: In the Matter of the Application for Approval of a Certificate of
Authority of Valley Communications, Inc. and for Waiver
of Certain Requirements of ARSD 20:10:32:03

Dear Ms. Van Gerpen:

Attached for electronic filing, please find Application for Certificate of Authority on
Behalf of Valley Communications, Inc.

If you have any questions, please contact me.

Sincerely yours,

RITER, ROGERS, WATTIER &
NORTHROP, LLP

By: *Darla Pollman Rogers*

Darla Pollman Rogers

DPR-wb

Enclosure

cc: Service List

Robert C. Riter, Jr
Margo D. Northrup

Darla Pollman Rogers
Lindsey Riter-Rapp
A. Jason Rumpca, Associate

Jerry L. Wattier
Kody R. Kryss, Associate

**BEFORE THE
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF THE APPLICATION FOR APPROVAL OF A CERTIFICATE OF AUTHORITY OF VALLEY COMMUNICATIONS, INC. AND FOR WAIVER OF CERTAIN REQUIREMENTS OF ARSD 20:10:32:03)))))))))	APPLICATION FOR A CERTIFICATE OF AUTHORITY ON BEHALF OF VALLEY COMMUNICATIONS, INC.
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COMES NOW, Valley Communications, Inc., (“Valley Communications”) a South Dakota Corporation, by and through the undersigned counsel, and requests pursuant to A.R.S.D. §§ 20:10:32:03 and 20:10:24:02 of the Public Utilities Commission’s (“Commission”) Administrative Rules, a certificate of authority and submits the following information in support thereof:

- (1) The applicant’s name, address, telephone number, facsimile number, web page URL, and E-mail address (A.R.S.D. §§ 20:10:24:02 (1) and 20:10:32:03 (1)):**

Valley Communications, Inc. d/b/a Valley FiberCom
102 Main Street
Herreid, SD 57623
Ph: 605-437-2615
Facsimile: 605-437-2220
Web Page URL: www.valleytel.net
Email address: jeff.s@valleytel.coop

- (2) A description of the legal and organizational structure of the applicant’s company (A.R.S.D. §§ 20:10:24:02(2) and 20:10:32:03 (2)):**

Valley Communications, a South Dakota Corporation, was organized on January 18, 1994 and is a wholly owned subsidiary of Valley Telecommunications Cooperative Association, Inc., a South Dakota Cooperative.

- (3) The name under which applicant will provide local exchange services if different than in subdivision (1) of this section (A.R.S.D. §§ 20:10:24:02(3) and 20:10:32:03 (3)):**

Valley FiberCom

- (4) 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.R.S.D. §§ 20:10:24:02(5) and 20:10:32:03 (4)):**

The principal office is currently located at 102 Main Street, Herreid, South Dakota, 57623.

The name and address of the current registered agent is:

Darla Pollman Rogers
319 S. Coteau Street
Pierre, SD 57501

- (5) **A copy of its certificate of authority to transact business in South Dakota from the secretary of state (A.R.S.D §§ 20:10:24:02(4) and 20:10:32:03 (5)):**

A copy of Valley Communications' Certificate of Authority from the South Dakota Secretary of State is attached as Exhibit A

- (6) **A description of the applicant's experience providing any telecommunication services in South Dakota or in other jurisdictions, including the types of services provided, and the dates and nature of state or federal authorization to provide the services. (A.R.S.D §§ 20:10:32:03 (6)):**

Valley FiberCom is currently not providing telecommunications service in South Dakota or in other jurisdictions. However, the company will share managerial and technical resources with its parent cooperative who has been providing telecommunications service since 1952.

- (7) **Names and addresses of applicant's affiliates, subsidiaries, and parent organizations, if any. (A.R.S.D. §§ 20:10:32:03 (7)):**

Valley Communications' parent company is as follows:

Valley Telecommunications Cooperative Association, Inc.
102 Main Street
Herreid, SD 57623

- (8) **A list and specific description of the types of services the applicant seeks to offer and how the services will be provided including (A.R.S.D. §§ 20:10:24:02 (6) and 20:10:32:03 (7)):**

- (a) **Information indicating the classes of customers the applicant intends to serve.**

Residential and business customers.

- (b) **Information indicating the extent to and time-frame by which applicant will provide service through the use of its own facilities, the purchase of unbundled network elements, or resale.**

Valley FiberCom proposes to provide local service through the use of its own facilities. Construction is estimated to be completed between May of 2019 and the end of 2020, which is the time-frame by which applicant will provide services.

- (c) **A description of all facilities that the applicant will utilize to furnish the proposed local exchange services, including any facilities of underlying carriers.**

All services will be provided over Valley FiberCom's fiber-based facilities.

- (d) **Information identifying the types of services it seeks authority to provide by reference to the general nature of the service.**

Valley FiberCom will provide local telephone exchange service, and interexchange long distance service and broadband to residential and business customers.

- (9) **A service area map or narrative description indicating with particularity the geographic area proposed to be served by the applicant. (A.R.S.D. §§ 20:10:24:02(8) and 20:10:32:03 (9)):**

Valley FiberCom intends to offer its services initially in the territory now served by CenturyLink in the Cities of Volga, Arlington, Lake Preston and DeSmet. The Company will adhere to the service area maps defined by CenturyLink.

- (10) **Information regarding the technical competence of the applicant to provide its proposed local exchange services including: (A.R.S.D. §§ 20:10:32:03:(10)):**

- (a) **A description of the education and experience of the applicant's management personnel who will oversee the proposed local exchange services.**

Attached hereto as **Exhibit B** is a description of the education and experience of Valley FiberCom's management personnel.

- (b) **Information regarding policies, personnel, or arrangements made by the applicant which demonstrates the applicant's 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.**

Valley FiberCom will be directly responsible for all customer inquiries and complaints. The telephone number for customer inquiries and complaints will be provided by Valley FiberCom on the customer bill. Customer service will be available seven days a week, twenty-four hours a day.

For regulatory matters:

Jeff Symens, CEO/ General Manager
Valley Telecommunications Cooperative Association, Inc.
102 Main Street S.
PO Box 7
Herreid, SD 57632-0007
Ph: 605-437-2615
Fax: 605-437-2220
jeff.s@valleytel.coop

For complaint matters by Commission:

Darla Pollman Rogers, Attorney for Valley FiberCom
Riter, Rogers, Wattier, and Northrup, LLP
PO Box 280
Pierre, SD 57501
Ph: 605-224-5825
Fax: 605-224-7102
dprogers@riterlaw.com

For complaint matters by Customers:

Jeff Symens, CEO/ General Manager
Valley Telecommunications Cooperative Association, Inc.
102 Main Street S.
PO Box 7
Herreid, SD 57632-0007
Ph: 605-437-2615
Fax: 605-437-2220
jeff.s@valleytel.coop

- (11) **Information explaining how the applicant will provide customers with access to emergency services such as 911 or enhanced 911, operator services, interexchange services, directory assistance, and telecommunications relay services. (A.R.S.D. §§ 20:10:32:03 (11)):**

Valley FiberCom will connect with both the Brookings County PSAP (PSAP ID 6117) and the Beadle County PSAP (PSAP ID 6146) via the 911 selective router and will provide enhanced 911 consistent with current E911 requirements. Valley FiberCom will contact the proper county officials and will provision and test E911 before offering any services. Valley FiberCom will use Valley Telecommunications Cooperative's provider for operator and directory assistance services. Valley FiberCom will configure its switch to provide and properly route all telecommunications relay services. Valley FiberCom will connect with the SDN Communications' tandem switch and utilize Express Communications to provide interexchange services. Both inter- and intrastate equal access will be provided.

- (12) **For the most recent 12 month period, financial statements of the applicant consisting of balance sheets, income statements, and cash flow statements. The applicant shall provide audited financial statements, if available. (A.R.S.D §§ 20:10:24:02 (9) and 20:10:32:03 (12)):**

See response to 23, below.

- (13) **Information detailing the following matters associated with interconnection to provide proposed local exchange services: (A.R.S.D §§ 20:10:32:03 (13)):**

- (a) **The identity of all local exchange carriers with which the applicant plans to interconnect.**

Valley FiberCom will enter into interconnection agreements with CenturyLink and other certificated LECs as customer demand warrants.

- (b) **The likely timing of initiation of interconnection to provide proposed local exchange services: (A.R.S.D §§ 20:10:32:03 (13)):**

Valley FiberCom anticipates negotiating the interconnection agreements concurrent with the processing of this application.

- (c) **A copy of any request for interconnection made by the applicant to any local exchange carrier.**

See response to 13(b) above.

- (14) **A description of how the applicant intends to market its local exchange services, its target market, whether the applicant engages in multilevel marketing, and copies of any company brochures that will be used to assist in sale of the services. (A.R.S.D §§ 20:10:24:02 (16) and 20:10:32:03 (14)):**

Valley FiberCom intends to market through door to door campaigns, open house events, brochures and flyers, as well as newspaper and radio ads.

- (15) **If the applicant is seeking authority to provide local exchange service in the service area of a rural telephone company, the date by which the applicant expects to meet the service obligations imposed pursuant to (A.R.S.D §§ 20:10:32:15) and applicant's plans for meeting the service obligations. (A.R.S.D §§ 20:10:32:03 (15)):**

Valley FiberCom is not seeking authority to provide retail, end user local exchange service in the service area of a rural telephone company.

- (16) **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.R.S.D §§ 20:10:24:02(15) and 20:10:32:03 (16)):

Applicant is not currently offering telecommunications services in any state.

- (17) The names, addresses, telephone numbers, E-mail addresses, and facsimile number of the applicant's representatives to whom all inquiries must be made regarding customer complaints and other regulatory matters. (A.R.S.D §§ 20:10:24:02 (3)):**

Darla Pollman Rogers, Attorney for Valley FiberCom
PO Box 280
Pierre, SD 57501
Ph: 605-224-5825
Fax: 605-224-7102
dprogers@riterlaw.com

- (18) Information concerning how the applicant plans to bill and collect charges from customers who subscribe to its proposed local exchange services. (A.R.S.D §§ 20:10:24:02(11) and 20:10:32:03 (18)):**

Valley FiberCom will bill customers directly. Customer payments will be made directly to the Company.

- (19) 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 local service customers by the applicant, its employees, or agents. (A.R.S.D §§ 20:10:24:02(12) and 20:10:32:03 (19)):**

Valley FiberCom will follow federal and state rules regarding switching of local service customers.

- (20) The number and nature of complaints filed against the applicant with any state or federal 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.R.S.D §§ 20:10:24:02(18) and 20:10:32:03 (20)):**

None; applicant is not currently offering telecommunications services in any state.

- (21) 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.R.S.D §§ 20:10:24:02(13) and 20:10:32:03 (21)):**

Current rates, terms, and conditions will be made available to the public and customers via Valley FiberCom's website and brochures, as well as in person at locally established office.

- (22) **Information concerning how the applicant will notify a customer of any materially adverse change to any rate, term, or condition of any telecommunications services being provided to the customer. The notification must be made at least thirty days in advance of the change. (A.R.S.D §§20:10:24:02(14) and 20:10:32:03 (22)):**

Changes to rates, terms or conditions will be made at least thirty days in advance via direct mail, bill inserts, and/or email notification.

- (23) **A written request for waiver of those rules believed to be inapplicable. (A.R.S.D §§ 20:10:24:02(19) and 20:10:32:03(22)):**

Valley FiberCom is requesting a waiver of A.R.S.D. §§ 20:10:24:02(9) and 20:10:32:03 (12).

- (24) **Federal tax identification number and South Dakota sales tax number. (A.R.S.D §§ 20:10:24:02(17) and 20:10:32:03(24)):**

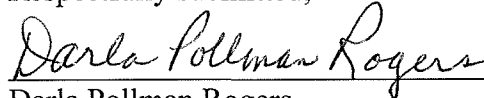
EIN - 46-0431237
Sales Tax Number – 1014-3155-ST

- (25) **Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the local exchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws. (A.R.S.D §§ 20:10:24:02(20) and 20:10:32:03 (25)):**

None at this time.

Dated this 7th day of June, 2018.

Respectfully submitted,



Darla Pollman Rogers

Margo D. Northrup

Riter, Rogers, Wattier & Northrup, LLP

PO Box 280

Pierre, SD 57501

Attorneys for Valley FiberCom

CERTIFICATE OF SERVICE

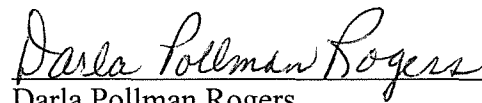
The undersigned hereby certifies that a true and correct copy of Application for a Certificate of Authority on Behalf of Valley Communications, Inc. was sent by electronic notice or by mail to the following:

Ms. Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501

Jason Topp
CenturyLink, LLC
125 S. Dakota Ave.
Sioux Falls, SD 57104
JasonTopp@CenturyLink.com

and to the most recent list of Competitive Local Exchange Providers as maintained on the South Dakota Public Utilities Commission website and attached hereto as Exhibit C.

Dated this 7th day of June, 2018.


Darla Pollman Rogers