

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE
APPLICATION OF CROWN CASTLE
FIBER LLC FOR A CERTIFICATE OF
AUTHORITY TO PROVIDE RESOLD AND
FACILITIES-BASED LOCAL EXCHANGE
AND INTEREXCHANGE SERVICES
WITHIN THE STATE OF SOUTH
DAKOTA**

DOCKET NO. TC18-057

JOINT STIPULATION

The parties in the above captioned proceeding, the South Dakota Telecommunications Association (“SDTA”) and Crown Castle Fiber LLC (“Crown Castle Fiber”) (collectively, the “Parties”), through their respective counsel, submit this Joint Stipulation as a resolution of all pending issues related to the Crown Castle Fiber Application for a Certificate of Authority (“Application”). Through execution of this document, each of the parties agrees to the following terms:

1. Crown Castle Fiber, as indicated in its Application filed with this Commission on September 10, 2018, is seeking authority to provide “Resold and Facilities-Based Local Exchange and Interexchange Services in the State of South Dakota.” Crown Castle Fiber seeks to provide “facilities-based Private Line, Ethernet, and Wavelength services” to “wholesale (e.g., other carriers) [customers] and customers in government, health care, education, financial services, and other enterprises.” Crown Castle Fiber will “primarily provide services using its own facilities and facilities leased from other carriers, but also seeks authority to provide service for resale.” Further, as stated in the Application, “Crown Castle Fiber does not intend to provide service to residential customers” and Crown Castle Fiber “will not provide traditional switched local exchange, interexchange, voice or switched access services.”

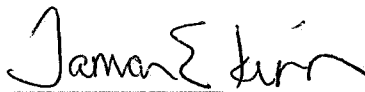
2. Further, as to the need for interconnection with existing local exchange carriers (“LECs”), Crown Castle Fiber states in its Application that “[a]t this time, [it] only seeks to provide services that “do not require an interconnection agreement in the state of South Dakota.” Based on these facts and other facts presented by Crown Castle Fiber in this matter, the parties have agreed to the issuance of Crown Castle Fiber’s requested Certificate of Authority as long as the Order issuing the Certificate of Authority incorporates the following agreed upon terms:

- a. The parties agree that the Certificate of Authority granted by the Commission to Crown Castle Fiber would be limited to authorizing only the provisioning of the services included in the Application which do not require Crown Castle Fiber, in provisioning its services, to obtain local network interconnection (either through direct or indirect interconnections) with rural telephone companies.
- b. The Certificate of Authority granted by the Commission would not permit Crown Castle Fiber or any of its affiliates that have not first received a local exchange certification from the Commission to provide within any rural telephone company service area any telephone exchange services, switched access services, or any VoIP service that is subject to the Commission’s authority to issue certificates of authority for local exchange service. In addition, Crown Castle Fiber agrees that at this time the offering of any of its facilities-based or resold, non-switched services in South Dakota's rural service areas do not require Crown Castle Fiber to request, or rely on, interconnection services from rural telephone companies.
- c. In the future, if Crown Castle Fiber chooses to provide within any rural telephone company service area any exchange services, switched access services, or any VoIP service that is subject to the Commission’s certification authority, Crown Castle Fiber agrees to come before the Commission in another proceeding before being able to provide local exchange service in that rural service area pursuant to 47 U.S.C. § 253(f). This will allow the Commission to consider requiring Crown Castle Fiber to meet the requirements in 47 U.S.C. § 214(e)(1) for designation as an eligible telecommunications carrier in the rural telephone company service area.
- d. The parties agree that the grant of statewide certification to Crown Castle Fiber as specified herein will not affect the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f).
- e. Crown Castle Fiber also agrees with respect to any VoIP service that is not subject to the Commission’s authority that it will, before providing any such service within a rural telephone company service area, first submit to the Commission any applicable registration form.


f. In addition, if in provisioning any VoIP services within South Dakota Crown Castle Fiber obtains authorization from the FCC granting it direct access to North American Numbering Plan (NANP) telephone numbers, Crown Castle Fiber agrees that it will comply with all applicable federal requirements set forth in 47 C.F.R. § 52.15 and the FCC's Report and Order in WC Docket No. 13-97 (FCC 15-70) issued on June 22, 2015, as those requirements may be amended or replaced in the future. This includes compliance with: (1) provisions requiring that any request for numbers be filed with the Commission at least 30 days before the request for numbers is made to the Numbering Administrators; (2) provisions requiring that any authorized interconnected VoIP provider abide by any numbering authority delegated to the states and industry guidelines regarding numbering as applicable to telecommunications carriers, including the practice of maintaining the original rate center designation of all telephone numbers within its inventory; and (3) provisions requiring "facility readiness", including the requirement that interconnected VoIP providers receiving direct access to telephone numbers have either interconnection agreements or other commercial arrangements in place providing access to the Public Switch Telephone Network (PSTN) so that voice calls may be properly routed and completed.

3. With this agreement of the Parties, the Parties request that the Commission approve the requested Certificate of Authority subject to the terms and conditions set forth herein.

AGREED AND STIPULATED to this 4th day of December, 2018.



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