

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

IN THE MATTER OF THE APPLICATION OF)	
VESTA SOLUTIONS, INC. FOR A CERTIFICATE OF)	
AUTHORITY TO PROVIDE LOCAL EXCHANGE)	Docket No. TC19-002
AND INTEREXCHANGE LONG DISTANCE SERVICES)	
IN SOUTH DAKOTA)	

SDTA Petition to Intervene

The South Dakota Telecommunications Association ("SDTA") hereby petitions the Commission for intervention in the above captioned proceeding pursuant to SDCL 1-26-17.1 and ARSD §§ 20:10:01:15.02, 20:10:01:15.03 and 20:10:01:15.05. In support hereof, SDTA states as follows:

1. SDTA is an incorporated organization representing the interests of numerous cooperative, independent and municipal telephone companies operating throughout the State of South Dakota.

2. On or about February 7, 2019, Vesta Solutions, Inc. (hereinafter referenced as "Vesta" or "Applicant") filed an application with the Commission pursuant to ARSD § 20:10:32:03 seeking a certificate of authority "to provide local exchange services and long distance services in the State of South Dakota."

3. In its Application, Vesta makes the following statements regarding its plans to provide telecommunications services in South Dakota:

Applicant intends to serve and work collaboratively with government and quasi government public safety answering points ("PSAPs"), voice over Internet protocol ("VoIP") providers, incumbent local exchange carriers ("ILECs"), wireless providers, competitive local exchange carriers ("CLECs"), and/or other local 9-1-1 authorities. Applicant plans to serve PSAPs that seek to transition from existing legacy networks to next generation 9-1-1 ("NG9-1-1") networks or that seek network components in connection with their 9-1-1 call handling systems.

Applicant does not currently own facilities or property in South Dakota but will acquire or construct facilities in the state as necessary to provide its services. To facilitate deployment of services, Applicant intends to enter into interconnection agreements and/or other agreements with other service providers as permitted under the federal Telecommunications Act of 1996, 47 U.S.C. § 251(c).

Applicant intends to offer 9-1-1 emergency services to government and quasi government PSAPs. The Vesta portfolio of NG9-1-1 emergency services includes IP-based 9-1-1 call routing, database services, database management, and network services to promote advancement and migration of PSAP networks to the NG9-1-1 architecture. Applicant will not provide long distance voice toll services or local exchange voice dial tone services to residential or business customers.

Applicant proposes to offer 9-1-1 emergency services throughout the state of South Dakota. Applicant seeks statewide authority.

4. All of the SDTA member companies operate as “rural telephone companies” for purposes of the Federal Telecommunications Act of 1996 and also the state laws enacted in 1998 addressing local exchange competition (SDCL § 49-31-69, et. seq.). Given that the Application for authorization to provide local exchange and long distance telecommunications services filed by Vesta covers the entire State of South Dakota, all of the SDTA member local exchange carriers (LECs) have an interest in and stand to be impacted by this proceeding. SDTA seeks intervention herein based on the individual interests of each of its member ILECs and based on their common interests to ensure that the provisions contained in federal and state laws pertinent to the provisioning of local exchange services in rural telephone company service areas, specifically, are properly considered and applied.

5. Vesta makes it clear by its Application that it is not a typical provider of local exchange services, noting that it “will not provide long distance voice toll services or local exchange voice dial tone services to residential or business customers” (Application,

paragraph (11)). Based on this statement, Vesta seeks a waiver of at least some of the essential service requirements imposed by ARSD § 20:10:32:10 on telecommunications companies providing local exchange services. Given the fact that Vesta's services in South Dakota will be limited to providing 9-1-1 emergency services to government and quasi-government PSAPs and given Vesta's request for a waiver of the ARSD § 20:10:32:10 provisions, it is SDTA's position that any COA issued by the Commission in this proceeding should be similarly limited. Vesta should receive authorization for only those telecommunications services necessary for it to provide its described emergency 9-1-1 services. Its Application, as filed, does not warrant the granting of a broad certificate of authority covering all local exchange telecommunications services, throughout all areas of the State.

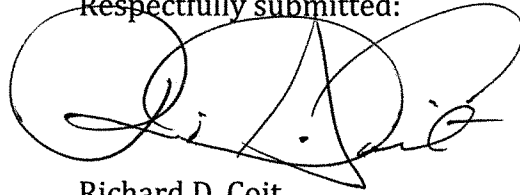
6. Further, because emergency 9-1-1 services are regulated telecommunications services and, by law, are considered an essential component of "local exchange" or "telephone exchange services," it is SDTA's position, that the additional service obligations imposed on competitive local exchange carriers entering rural service areas (found in SDCL § 49-31-73 and ARSD §§ 20:10:32:15 thru 20:10:32:17) are legally applicable and should be addressed through the established waiver process.¹ Vesta's Application at this time does not include a request for a waiver of these rural safeguard provisions, as is permitted under ARSD § 20:10:32:18.

¹ See 47 U.S.C. §§ 153(32) and 153(54).

7. Based on the foregoing, SDTA alleges that it is an interested party in this matter and would seek intervening party status.

Dated this 28th day of February, 2019.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Richard D. Coit", written over a large, circular scribble.

Richard D. Coit
Executive Director and General Counsel
SDTA
320 East Capitol Ave.
P.O. Box 57
Pierre, SD 57501

CERTIFICATE OF SERVICE

I hereby certify that an original of the Petition for Intervention, dated February 28, 2019, filed in PUC Docket TC19-002 was served upon the PUC electronically, directed to the attention of:

Ms. Patty Van Gerpen, Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501
patty.vangerpen@state.sd.us

A copy was also sent by e-mail and/or US Postal Service First Class mail to each of the following individuals:

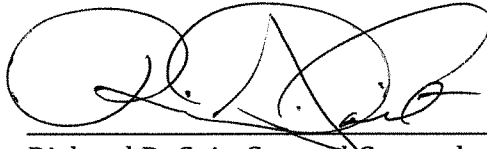
Ms. Amanda Reiss
Staff Attorney
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
amanda.reiss@state.sd.us
(605) 773-3201

Ms. Lorena Reichert
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
lorena.reichert@state.sd.us
(605) 773-3201

Mr. Daniel P. Brooks - Representing: Vesta Solutions, Inc.
Attorney at Law
Wiley Rein LLP
1776 K St. NW
Washington, DC 20006
dbrooks@wileyrein.com
(202) 719-000

Mr. Bennett L. Ross- Representing: Vesta Solutions, Inc.
Attorney at Law
Wiley Rein LLP
1776 K St. NW
Washington, DC 20006
bross@wileyrein.com
(202) 719-7000

Dated this ~~28~~ day of February, 2019

A handwritten signature in black ink, appearing to read 'Richard D. Coit', written over a horizontal line.

Richard D. Coit, General Counsel
South Dakota Telecommunications Association
PO Box 57
320 East Capitol Avenue
Pierre, SD 57501-0057