

Docket Number: TC19-002  
Subject Matter: First Data Request  
Request to: Vesta Solutions, Inc.  
Request from: South Dakota Public Utilities Commission Staff  
Date of Request: February 22, 2019  
Responses Due: March 8, 2019

1-1. Pursuant to ARSD 20:10:24:02(2) and ARSD 20:10:32:03(2), provide a description of the organizational structure of the company.

**Response:** Please see Exhibit B of Vesta Solutions, Inc.'s ("Vesta" or "Applicant") filed application. This exhibit represents the organizational structure of the company. Vesta is a direct wholly owned subsidiary of Plant Holdings, Inc. and an indirect wholly owned subsidiary of Motorola Solutions, Inc. ("MSI"), a publicly traded company. Vesta has two subsidiaries: Vesta Solutions of Virginia, Inc. and Vesta Solutions Communications Corp.

1-2. Pursuant to ARSD 20:10:32:03(6), the company provided the dates and nature of state or federal authorizations to provide the certain telecommunications services. In addition, to fulfill the rest of the rule, provide a description of the applicant's experience providing any telecommunications services, including the types of services provided.

**Response:** Since 1968, Vesta has been serving the communications needs of our valued customers, primarily public and private sector organizations that include state and local public safety agencies, corporate entities, and the Federal Government. Vesta's 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.

Vesta also provides call handling equipment. Over 60% of all 9-1-1 calls in the U.S. are received by our VESTA® call handling solutions. More than 100,000 call takers interact with our 9-1-1 equipment every day to protect over 200 million people in the U.S.

In 2016, Frost & Sullivan selected Vesta, then named Airbus DS Communications, to receive the 2016 Best Practices Award as the North American NG9-1-1 Contact Handling Solution Company of the Year.

Most recent projects include deployment of NG9-1-1 call routing services in Florida and additional NG9-1-1 deployments in Texas. Vesta provides a redundant, geo-diverse, Next Generation Core Services system that utilizes two primary data centers in both Florida and Texas. Services include 9-1-1 call routing, network transport and management services.

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1-3. Pursuant to ARSD 20:10:32:03(8)(c), provide a description of all facilities that the applicant will utilize to furnish the proposed local exchange services, including any facilities of underlying carriers.

**Response:** Applicant does not currently own facilities or property in South Dakota though 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). Facility selection and required capacity of the network transport are dependent upon the requirements of each customer/Public Safety Answering Point (“PSAP”) and may include, but are not limited to, TDM transport and/or IP transport for Ingress and Egress network connectivity, respectively.

1-4. Refer to ARSD 20:10:32:03(10)(a): If applicable, provide a description of education and experience of management personnel overseeing the proposed local exchange services in South Dakota.

**Response:** Please see Exhibit E of Vesta’s filed application.

1-5. Refer to ARSD 20:10:32:03(10)(b): Provide information regarding policies, personnel, or arrangements made by the company which demonstrates the applicant’s ability to perform facility and equipment maintenance necessary to ensure compliance with any commission quality of service requirements.

**Response:** The Vesta Solutions Service Desk is the central point of contact for customers to report incidents and submit requests. Co-located with the Technical Support Center within the Network Security Operations Center (“NSOC”), the Service Desk provides 24/7/365 availability to promptly assist with customer service needs. The Service Desk can be reached via telephone at (844) 373-6427 or by email at VestaNSOC@motorolasolutions.com. Applicant will perform network and equipment maintenance necessary to ensure that appropriate service levels are maintained. In addition to policies, Applicant may also enter into Service Level Agreements with its customers/Public Safety Answering Points, as required. Applicant will comply with all applicable rules, regulations, and requirements.

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1-6. Refer to ARSD 20:10:24:02(9) and ARSD 20:10:32:03(12): Does the applicant, Vesta Solutions, Inc., have financial statements of the most recent 12-month period?

**Response:** As noted in Vesta’s filed application, Applicant is an indirect wholly owned subsidiary of MSI, a publicly traded company. A copy of MSI’s then-most recent SEC Form 10-K containing MSI’s consolidated financial statements for the fiscal year ended December 31, 2017 was provided in Exhibit F to the application. MSI subsequently filed its SEC Form 10-K containing MSI’s consolidated financial statements for the fiscal year ended December 31, 2018, a copy of which is attached as Exhibit 1-6.

1-7. Refer to ARSD 20:10:24:02(10): Provide a description of how the applicant handles customer service matters.

**Response:** The Vesta Solutions Service Desk is the central point of contact for customers to report incidents and submit requests. Co-located with the Technical Support Center within the Network Security Operations Center (“NSOC”), the Service Desk provides 24/7/365 availability to promptly assist with customer service needs. The Service Desk can be reached via telephone at (844) 373-6427 or by email at VestaNSOC@motorolasolutions.com.

1-8. Refer to ARSD 20:10:32:03(13)(a): Explain the qualifier on the last sentence of Part (a), “where technically feasible and required by law.”

**Response:** Applicant responded in its filed application as follows: “Applicant plans to interconnect with all South Dakota local exchange carriers pursuant to this RFP requirement where technically feasible and required by law.”

Regarding the portion of the statement referencing “technical feasibility”, the State of South Dakota’s Office of Procurement Management, Request for Proposal No. 1569, Section 3.8 states, in part, “*The contracted vendor will be required to abide by 47 USC §252 and all applicable federal and South Dakota laws and administrative rules pertaining to interconnection. The vendor shall file bona fide requests for connectivity with all phone providers i.e. all LECs, CLECs, RLECs, ILECs, all wireless carriers, VoIP carriers and any other 9-1-1 call source as may be identified by the Board for interconnection to and processing by the NG9-1-1 system as required by law.*”

Vesta intends to abide by and interconnect with providers pursuant to 47 USC §

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252, and also 47 USC § 251, as applicable. The duties of telecommunications carriers to interconnect and to negotiate in good faith, including interconnection at technically feasible points, are addressed in 47 USC § 251.

Regarding the portion of the statement “required by law”, The State of South Dakota’s Office of Procurement Management, Request for Proposal No. 1569, Section 3.8.1, System Service Provider Coordination Requirements, addresses certain requirements involving what is required by law. In part, Section 3.8.1 states, *“The contracted vendor will be required to coordinate with other service providers as necessary to operate and provide a seamless NG9-1-1 service in support of the PSAPs of South Dakota. The contracted vendor will be required to register with and become certified by the South Dakota Public Utilities Commission (SDPUC) in order to operate and provide NG9-1-1 services to originating service providers and the PSAPs in South Dakota. The contracted vendor will be required to comply with a milestone payment structure.*

*“Under current South Dakota law, awardees will need to enter into Interconnection Agreements which legally allow the connectivity and interconnection of the NG9-1-1 system with other networks as well as other originating service providers throughout South Dakota for the purposes of receiving and processing 9-1-1 calls. These agreements are governed by the South Dakota Public Utilities Commission. This includes but is not limited to service providers operating or providing services in South Dakota.*

*“The current number of known OSPs in South Dakota is 47. Examples include the Local Exchange Carriers (LECs), Competitive Local Exchange Carriers (CLECs), Rural Local Exchange Carriers (RLECs), Independent Local Exchange Carriers (ILECs), all wireless carriers, VoIP carriers and any other 9-1-1 call source as may be identified by the Board for interconnection to and processing by the NG9-1-1 system.*

*“The contracted vendor will be required to abide by 47 USC §252 and all applicable federal and South Dakota laws and administrative rules pertaining to interconnection. The vendor shall file bona fide requests for connectivity with all phone providers i.e. all LECs, CLECs, RLECs, ILECs, all wireless carriers, VoIP carriers and any other 9-1-1 call source as may be identified by the Board for interconnection to and processing by the NG9-1-1 system as required by law. Provider shall bear the cost of all such interconnections.”*

- 1-9. Related to ARSD 20:10:32:03(13)(a): As the company has not yet made any requests for interconnection in South Dakota, provide a copy of any request for interconnection made by the applicant in any of its jurisdictions where it does business similar to what it is requesting to do here.

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**Response:** Please see Exhibit 1-9, attached. Exhibit 1-9 provides Vesta's (formerly known as Airbus DS Communications, Inc.) response to Frontier's Information Request Form, which initiates the request for interconnection.

1-10. Refer to ARSD 20:10:32:03(15): If it is the applicant's intent, please submit a waiver of ARSD 20:10:32:15 pursuant to ARSD 20:10:32:18.

**Response:** As noted in Vesta's filed application, ARSD 20:10:32:15 is not applicable to the services that Applicant will provide. Applicant will provide 9-1-1 emergency services to government and quasi-government PSAPs. Applicant will not provide long distance voice toll services or local exchange voice dial tone services to residential or business customers. To the extent necessary and pursuant to ARSD 20:10:32:18, Applicant respectfully requests a waiver of ARSD 20:10:32:15 and the related provisions of ARSD 20:10:32:16 and ARSD 20:10:32:17. Because these provisions are not applicable to the services that Applicant will provide, granting a waiver will not adversely impact universal service or quality of service and will serve the public interest by accelerating the development and deployment of NG9-1-1 services and promoting more robust public safety offerings that will benefit and protect South Dakota residents.

1-11. Refer to ARSD 20:10:24:02(11) and ARSD 20:10:32:03(18): Will the company receive any money in advance of services rendered?

**Response:** Yes. Payments will be made in accordance with the following provisions of the State of South Dakota's Office of Procurement Management, Request for Proposal No. 1569:

Section 2.4 states, "The State will make payment for services upon satisfactory completion of the services. The TOTAL CONTRACT AMOUNT is an amount not to exceed \$\_\_\_\_\_. The State will not pay Consultant's expenses as a separate item. Payment will be made pursuant to itemized invoices submitted by the Consultant. Payment will be made consistent with SDCL ch. 5-26."

Section 3.8.1 states, "The contracted vendor will be required to coordinate with other service providers as necessary to operate and provide a seamless NG9-1-1 service in support of the PSAPs of South Dakota. The contracted vendor will be required to register with and become certified by the South Dakota Public Utilities Commission (SDPUC) in order to operate and provide NG9-1-1 services to originating service providers and the PSAPs in South Dakota. The contracted vendor will be required to comply with a milestone payment structure."

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Section 3.12.2 states, "System testing of the proposed NG9-1-1 system and services will be required prior to the Board authorizing any cutover of the NG9-1-1 system to full operational status and the commencement of payment for services."

1-12. Refer to ARSD 20:10:24:02(14) and ARSD 20:10:32:03(22): Confirm whether notification of any adverse change would be made at least 30 days in advance of the change.

**Response:** Applicant will notify its government and quasi-government PSAP customers of any materially adverse changes to the rates, terms, and conditions of Applicant's 9-1-1 emergency services pursuant to the terms of their individually negotiated contracts. Applicant anticipates that its customer(s) would require a minimum notification requirement of 30 days.

1-13. Refer to ARSD 20:10:32:10: Please explain in writing why the company is unable to comply with 20:10:32:10(1)-(7). Please explain for each waiver, how:

- (1) The requirement is not necessary based on the type of service being provided to by the company;
- (2) The waiver is not contrary to universal service, the public safety and welfare, and quality of service; and
- (3) The waiver is in the public interest.

**Response:** (1) As a 9-1-1 service provider, the services to be provided by the Applicant are limited in scope. Applicant intends to offer 9-1-1 emergency services to government and quasi-government PSAPs. Vesta's 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. Because Applicant will not provide long distance voice toll services or local exchange voice dial tone services directly to residential or business customers, providing access to the public switched network, access to local directory, directory assistance, operator services, telecommunications relay service, nonpublished service and access to interexchange services is not applicable. Though Applicant does not have end-user customers and thus, does not directly provide end-user access to emergency services, Applicant does provide access to emergency 9-1-1 services to Originating Service Providers.

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(2) The waiver is not contrary to universal service, the public safety and welfare, and quality of service. The 9-1-1 services to be provided by the Applicant will promote and ensure that the public has access to a faster, more resilient system that allows voice, photos, videos and text messages to flow seamlessly from the public to the 9-1-1 network.

(3) The waiver is in the public interest. There are several core benefits of NG9-1-1. PSAPs will benefit from enhanced network capacity and performance from the replacement of circuit-switched networks to IP networks. Additionally, NG9-1-1 networks can be interconnected amongst PSAPs and other agencies, which will enable resources to be shared. For instance, the sharing of resources includes records management systems, computer-aided dispatch, recording systems, and customer-provided equipment, to name a few. The transition of analog 9-1-1 networks to NG9-1-1 is in the public interest and will allow end-users access to a faster, more resilient system that allows voice, photos, videos and text messages to flow seamlessly from the public to the 9-1-1 network.

1-14. Pursuant to ARSD 20:10:24:02(17) and ARSD 20:10:32:03(24), provide the company's South Dakota sales tax number.

**Response:** Applicant's South Dakota sales tax number will be obtained upon commencing services in South Dakota. To the extent necessary, Applicant respectfully requests a waiver of the provisions of ARSD 20:10:24:02(17) and ARSD 20:10:32:03(24) requiring an applicant to provide its South Dakota sales tax number in its application for a certificate of authority. Applicant will provide the Commission with its South Dakota sales tax number upon obtaining it.