
STAFF MEMORANDUM

TO: COMMISSIONERS AND ADVISORS
FROM: LORENA REICHERT & AMANDA REISS
RE: TC19-002 - In the Matter of the Application of Vesta Solutions, Inc. for a Certificate of Authority to Provide Local Exchange and Interexchange Long Distance Services in South Dakota
DATE: May 1, 2019

BACKGROUND

On February 7, 2019, Vesta Solutions, Inc. (Vesta) filed an application for a Certificate of Authority to provide local exchange services and interexchange long distance services throughout South Dakota. Specifically, Vesta seeks to provide IP-based 9-1-1 call routing, database services and management, and network services to promote the advancement and migration of public safety answering point (PSAP) networks to the NG9-1-1 architecture. On February 28, 2019, the South Dakota Telecommunications Association (SDTA) filed a Petition to Intervene. At the March 19, 2019, Commission Meeting, SDTA was granted intervention. On March 7, 2019, Vesta responded to Commission staff's data requests. Vesta requests that the Commission waive ARSD 20:10:32:03(11) and ARSD 20:10:32:10(1-7). Vesta also requested a waiver of ARSD 20:10:32:03(15), ARSD 20:10:24:02(17) and ARSD 20:10:32:03(24), if necessary. On March 27, 2019, SDTA and Vesta filed a Joint Stipulation.

DISCUSSION

Requested Waivers

ARSD 20:10:32:03(11) and ARSD 20:10:32:10(1-7)

Staff believes that the company has fulfilled the requirements to request a waiver of these rules and agrees with the language provided in the Joint Stipulation to "grant such waiver to the extent the service requirements/obligations listed are not related to Vesta's provisioning of 9-1-1 services.

ARSD 20:10:32:03(15)

As in the Joint Stipulation, the parties agree that the COA should be limited "to cover only those specific telecommunications services that are necessary for Vesta to provision its 9-1-1 emergency services," staff believes that granting this request of a waiver is not necessary.

ARSD 20:10:24:02(17) and ARSD 20:10:32:03(24)

As Vesta has stated in data request 1-14 that it will "provide the Commission with its South Dakota sales tax number upon obtaining it," staff does not believe that granting a waiver of this rule will be necessary.

RECOMMENDATION

Staff recommends that Vesta Solution's requested waivers of ARSD 20:10:32:03(11) and ARSD 20:10:32:10 (1-7) are granted. Staff also recommends that the Joint Stipulation is approved and incorporated into the order. Staff recommends granting Vesta Solutions, Inc.'s request for a Certificate of Authority.