## 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 THE STATE OF SOUTH DAKOTA	)	

## **JOINT STIPULATION**

The South Dakota Telecommunications Association ("SDTA") and Vesta Solutions, Inc. ("Vesta") (collectively, the "Parties"), through their respective counsel, hereby submit this Joint Stipulation as a resolution of those issues raised by SDTA concerning the Application for a Certificate of Authority ("Application") filed by Vesta in this proceeding, which generally seeks statewide authority to provide local exchange and interexchange long distance services. Specifically, through execution of this document, each of the Parties agrees to the following terms:

- 1. SDTA is an incorporated organization representing the interests of numerous cooperative, independent and municipal telephone companies operating as "rural telephone companies" in defined rural service areas or rural "study areas" throughout the State of South Dakota.
- 2. Vesta is a corporation incorporated under the laws of the State of California and is a direct wholly owned subsidiary of Plant Holdings, Inc. and an indirect wholly owned subsidiary of Motorola Solutions, Inc. Specifically, Vesta, as indicated in its Application, intends to offer "9-1-1 emergency services" to those "government and quasi-government PSAPs" in South Dakota 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." 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."
- 3. As further indicated in its Application, while Vesta does not currently own facilities or property in South Dakota it will acquire or construct facilities in the state as necessary to provide its services. To facilitate deployment of its 9-1-1 emergency services, Vesta will "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)."

- 4. In general, SDTA does not oppose the granting of the Certificate of Authority requested by Vesta in this Docket provided that the Commission makes the necessary findings to justify granting the Certificate and provided that any final order issued by the Commission is consistent with and recognizes the terms set forth herein.
- 5. Vesta notes in its Application that it proposes to serve the entire State of South Dakota and thus seeks a statewide certification from this Commission. Regarding the geographic scope of any certificate granted to Vesta in this proceeding, SDTA does not oppose a certification extending to all areas of the State, provided that the certification is appropriately limited to cover only those specific telecommunications services that are necessary for Vesta to provision its 9-1-1 emergency services, including the NG9-1-1 related services as described in its Application. Vesta agrees that its certification should be so limited and affirms that it does not intend to provide in South Dakota any retail "telephone exchange services" to either residential or business end user customers or to provide any wholesale "exchange access services" to other carriers or service providers (as such terms are defined under 47 U.S.C. § 153). Vesta also agrees that if at any time in the future it chooses to provide these additional services within any rural telephone company service area in South Dakota, it will come back before the Commission with an amended application seeking additional local exchange service authority. This further proceeding would give the Commission the ability to consider and determine whether or not it should apply the rural safeguard protections provided by 47 U.S.C. § 253(f), SDCL § 49-31-73 and ARSD §§ 20:10:32:15 through 20:10:32:17 within any rural telephone company service area affected by the amended application.
- 6. Vesta as part of its Application has requested a waiver of the service obligations imposed on providers of local exchange services in South Dakota pursuant to ARSD 20:10:32:10. SDTA does not object to this waiver request and agrees that the Commission should grant such waiver to the extent the service requirements/obligations listed are not related to Vesta's provisioning of 9-1-1 emergency services.
- 7. With the submission of this Joint Stipulation, the Parties request that the Commission approve the requested certification(s), subject to the agreed-upon limitations set forth herein.

**IN WITNESS WHEREOF**, the undersigned have caused this Joint Stipulation to be duly executed as of the date hereof.

South Dakota Telecommunications Association
Signature:
Name: Richard D. Coit
Title: Executive Director and General Counsel
Date: 3/27/2019
/ /
Vesta Solutions, Inc.
Signature School Signature
Name: Paula Pileggi
Title: Assistant Secretary
Date: $3 - 2(6 - 19)$