
STAFF MEMORANDUM

TO: COMMISSIONERS AND ADVISORS
FROM: LORENA REICHERT & AMANDA REISS
RE: TC19-003 - In the Matter of the Application of NGA 911, L.L.C. for a Certificate of Authority to Provide Local Exchange and Interexchange Long Distance Services in South Dakota
DATE: May 1, 2019

BACKGROUND

On February 14, 2019, NGA 911, LLC (NGA 911) filed an application for a Certificate of Authority to provide local exchange services and interexchange long distance services throughout South Dakota. Specifically, NGA 911 seeks certificates to provide local exchange and interexchange telecommunications services in order to provide emergency call routing, transport, and related functionalities to state and municipal governmental agencies to support public safety answering points (PSAPs). On March 7, 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 18, 2019, NGA 911 responded to Commission staff's data requests. NGA 911 requests that the Commission waive ARSD 20:10:32:03(11) and ARSD 20:10:32:10(1-7). The company requests a waiver of ARSD 20:10:24:02(9) and ARSD 20:10:32:03(12) only to the extent that a cash flow statement is required. The company also requested a waiver of ARSD 20:10:32:15, if necessary. On March 27, 2019, SDTA and NGA 911 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 NGA 911's provisioning of 9-1-1 services."

ARSD 20:10:32:15

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 NGA 911 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(9) and ARSD 20:10:32:03(12)

In response to staff data request 1-6, the company requested a waiver of 20:10:24:02(9) and ARSD 20:10:32:03(12) only to the extent that a cash flow statement is required. The company responded that

it “does not have a cash flow statement since Applicant has not yet begun providing service to customers.”

RECOMMENDATION

Staff recommends that NGA 911’s requested waivers of ARSD 20:10:32:03(11) and ARSD 20:10:32:10 (1-7) be granted. Staff also recommends the requested waivers of a cash flow statement required in ARSD 20:10:24:02(9) and ARSD 20:10:32:03(12) be granted. Staff also recommends that the Joint Stipulation is approved and incorporated into the order. Staff recommends granting NGA 911’s request for a Certificate of Authority.