

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

**IN THE MATTER OF THE
APPLICATION OF UNITI NATIONAL
LLC FOR A CERTIFICATE OF
AUTHORITY TO PROVIDE RESOLD
AND FACILITIES-BASED LOCAL
EXCHANGE AND INTEREXCHANGE
SERVICES IN THE STATE OF SOUTH
DAKOTA**

DOCKET NO. TC21-002

JOINT STIPULATION

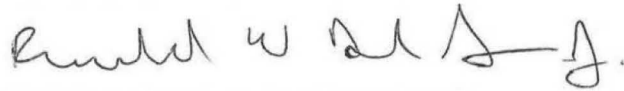
The parties in the above captioned proceeding, the South Dakota Telecommunications Association (“SDTA”) and Uniti National, LLC (“Uniti”) (collectively, the “Parties”), through their respective counsel, submit this Joint Stipulation as a resolution of all pending issues related to the Uniti Application for a Certificate of Authority (“Application”). Through execution of this document, each of the Parties agrees to the following terms:

1. Uniti, as indicated in its Application filed with this Commission on January 27, 2021, is seeking authority to provide “Resold and Facilities-Based Local Exchange and Interexchange Services in the State of South Dakota.” Uniti does not anticipate providing any service other than “private line services (i.e., high-capacity backhaul Ethernet), but may provide other arrangements such as dark fiber, fiber spectrum leases, or other high-capacity services.”
2. Uniti does not currently have plans to provide seethed voice local retail services or switched voice interexchange services to customers in South Dakota.
3. Further, as to the need for interconnection with existing local exchange carriers (“LECs”), Uniti states in its Application that at this time, only seeks to provide

services that “do not require an interconnection agreement in the state of South Dakota.” Based on these facts and other facts presented by Uniti in this matter, the Parties have agreed to the issuance of Uniti’s requested Certificate of Authority if the Order issuing the Certificate of Authority incorporates the following agreed upon terms:

- a. The Parties agree that the Certificate of Authority granted by the Commission to Uniti should be limited to authorizing only the provisioning of the services included in the Application which do not require Uniti to obtain local network interconnection (either through direct or indirect interconnections) with rural telephone companies.
 - b. The Certificate of Authority granted by the Commission should not permit Uniti or any of its affiliates to provide directly any telephone exchange services, switched access services, or interconnected VoIP services requiring interconnection with the public switched telephone network within rural telephone company service areas. In addition, Uniti agrees that, at this time, the offering of any of its facilities-based or resold, non-switched services in South Dakota’s rural service areas do not require Uniti to request, or rely on, interconnection services from rural telephone companies.
 - c. In the future, if Uniti chooses to provide telephone exchange services, switched access services, or interconnected VoIP services requiring interconnection with the public switched telephone network within any area served by a rural telephone company, Uniti is required to come before the Commission in another proceeding before being able to provide local exchange service in that rural service area pursuant to 47 U.S.C. § 253(f). This will allow the Commission to consider requiring Uniti to meet the requirements in 47 U.S.C. § 214(e)(1) for designation as an eligible telecommunications carrier in the rural telephone company service area.
 - d. The Parties agree that the grant of statewide certification to Uniti as specified herein will not affect the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f).
4. With this agreement of the Parties, the Parties request that the Commission approve the requested Certificate of Authority subject to the terms and conditions set forth herein.

AGREED AND STIPULATED to this 9 day of March, 2021.



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