

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

<b>IN THE MATTER OF THE APPLICATION OF )</b>	<b>ORDER GRANTING</b>
<b>ENETWORKS, LLC FOR A CERTIFICATE OF )</b>	<b>CERTIFICATE OF AUTHORITY</b>
<b>AUTHORITY TO PROVIDE LOCAL EXCHANGE )</b>	<b>AND GRANTING WAIVER</b>
<b>SERVICES IN SOUTH DAKOTA )</b>	
)	<b>TC16-050</b>

On July 22, 2016, the South Dakota Public Utilities Commission (Commission) received an Application for Certificate of Authority to provide Local Exchange Services (Application) from eNetworks, LLC (eNetworks). In the Application, eNetworks sought a certificate of authority to provide local exchange service in South Dakota.

On July 28, 2016, the Commission electronically transmitted notice of the filing and the intervention deadline of August 12, 2016, to interested individuals and entities. No comments were filed.

On August 11, 2016, the South Dakota Telecommunications Association (SDTA) filed a petition to intervene. On August 29, 2016, eNetworks filed a revised page 3 and 5 of the application limiting their request to CenturyLink territory only. On September 12, 2016, SDTA filed a letter requesting withdrawal of intervention. On January 9, 2017, eNetworks requested a waiver of ARSD 20:10:32:03(11), pursuant to ARSD 20:10:32:10. eNetworks responded to all of staff's data requests.

At its February 28, 2017, meeting, the Commission considered this matter. Commission staff recommended granting a certificate of authority with the conditions that, for retail purposes, eNetworks not offer any prepaid services including prepaid calling cards and not accept or require any deposits or advance payments without prior approval of the Commission, and subject to rural safeguards. Commission staff also recommended granting a waiver of ARSD 20:10:32:10(2), 20:10:32:10(3), 20:10:32:10(4), 20:10:32:10(5), 20:10:32:10(6), and 20:10:32:10(7).

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3 and 49-31-69 through 49-31-75, as well as ARSD 20:10:32:03. The Commission finds that eNetworks has met the legal requirements established for the granting of a Certificate of Authority. The Commission finds that eNetworks has, in accordance with SDCL 49-31-3 and 49-31-71, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota. The Commission also granted the waiver of ARSD 20:10:32:10(2), 20:10:32:10(3), 20:10:32:10(4), 20:10:32:10(5), 20:10:32:10(6), and 20:10:32:10(7).

The Commission approves eNetworks' application for a certificate of authority subject to the conditions that, for retail purposes, eNetworks' not offer any prepaid services including prepaid calling cards and not accept or require any deposits or advance payments without prior approval of the Commission, and be subject to rural safeguards. The certificate of authority for eNetworks' shall authorize it to provide local exchange telecommunications service in South Dakota, except in those areas served by a rural telephone company. In the future, should eNetworks' choose to provide local exchange services statewide, with respect to rural telephone companies, eNetworks' will have to come before the Commission in another proceeding before being able to provide local service in that rural service area pursuant to 47 U.S.C. § 253(f) which allows the Commission to require a company that seeks to provide service in a rural service area to meet the requirements in 47 U.S.C. § 214(e)(1) for designation as an eligible telecommunications carrier. In addition, the granting of statewide certification will not affect the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f). It is therefore

ORDERED, that eNetworks' s request for a certificate of authority to provide local exchange services is granted, subject to the conditions that, for retail purposes, eNetworks' not offer any prepaid services including prepaid calling cards and not accept or require any deposits or advance payments without prior approval of the Commission, and subject to rural safeguards. It is further

ORDERED, that this certificate of authority authorizes eNetworks to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company. It is further

ORDERED, that eNetworks' requested waiver of ARSD 20:10:32:10(2), 20:10:32:10(3), 20:10:32:10(4), 20:10:32:10(5), 20:10:32:10(6), and 20:10:32:10(7) is granted. It is further

ORDERED, that this order constitutes eNetworks' Certificate of Authority as described above.

Dated at Pierre, South Dakota, this 9<sup>th</sup> day of March, 2017.

<b>CERTIFICATE OF SERVICE</b>
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.
By: <u>Adam DeHueck</u>
Date: <u>3/9/17</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen

KRISTIE FIEGEN, Chairperson

Gary Hanson

GARY HANSON, Commissioner

Chris Nelson

CHRIS NELSON, Commissioner