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FEB 23 2007

Before the South Dakota
Public Utilities Commission
Pierre, SD 57501

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

In re)
)
HAWK RELAY, LLC)
)
For certificate of authority with the commission)
pursuant to SDCL 49-31-3 for interexchange service)

Hawk Relay, LLC submits this application for certificate of authority from the State of South Dakota Public Utilities Commission and certification that it is eligible to receive and become eligible for reimbursement from the Interstate Telecommunications Relay (TRS) Fund as a Video Relay Service and Internet Protocol Relay provider.

I. Introduction

Hawk Relay, LLC

Hawk Relay, LLC is a Delaware corporation with its principal place of business at 335 N. Duluth Avenue, Sioux Falls, South Dakota, 57104. Hawk Relay was founded in 2006 to provide video relay service (VRS) and will provide Internet Protocol Relay service in 2007.

Hawk Relay Video Relay Service

Hawk Relay provides VRS through the use of high speed Internet and the public switched network, enabling the deaf and hard of hearing to make telephone calls, serving videophones and computer-based videophone software. Hawk Relay, LLC operates 24 hours a day, seven days a week. Hawk Relay Video Relay Service can be accessed at this IP address through most videoconferencing units: *dialhawk.com*.

Hawk Relay Internet Protocol Relay Service

Starting in 2007, Internet Protocol Relay Service will be available for deaf and hard of hearing individuals. For those that are hearing who desire to reach a deaf or hard of hearing caller, they will be able to dial a toll-free number to reach the Internet Protocol Relay service. Despite the differences between Internet Protocol Relay and VRS, i.e., sign language interpreters are not used and no need for videophone equipment, both services are similar in the manners they are provided and operated. Accordingly, the provision of Internet Protocol Relay service will be built upon Hawk Relay's experience and knowledge as an existing VRS provider.

II. South Dakota Public Utilities Commission Certificate of Authority Application

(1) The name, address, and telephone number:

**Hawk Relay, LLC
335 N. Duluth Avenue
Sioux Falls, SD 57104-3025
605-376-9975**

(2) The name under which the applicant will provide these services if different than in subdivision (1) of this section:

Hawk Relay

(3) If the applicant is a corporation:

(a) The state in which it is incorporated, the date of incorporation, and a copy of its certificate of incorporation or, if it is an out-of-state corporation, a copy of its certificate of authority to transact business in South Dakota from the Secretary of State;

**State of Delaware
October 10, 2006**

(b) The location of its principal office, if any, in this state and the name and address of its current registered agent; and

**Samuel Hawk
Hawk Relay, LLC
335 N. Duluth Avenue
Sioux Falls, SD 57104-3025**

(c) The name and address of each corporation, association, partnership, cooperative, or individual holding a 20 percent or greater ownership or management interest in the applicant corporation and the amount and character of the ownership or management interest;

Not applicable

(4) If the applicant is a partnership, the name, title, and business address of each partner, both general and limited;

Not applicable.

(5) A description of the telecommunications services the applicant intends to offer;

Two types of telecommunications relay services for the Deaf and Hard of Hearing, video relay and Internet protocol relay services. Hawk Relay, LLC currently provides Video Relay Service through a contract agreement with CAC

Relay Services. Hawk Relay, LLC plans to provide Internet Protocol Relay service in 2007.

(6) A detailed statement of the means by which the applicant will provide its services;

Video Relay Service (VRS)- Hawk Relay, LLC provides VRS through the use of high speed Internet and the public switched network, enabling the deaf and hard of hearing to make and receive telephone calls, serving videophones and computer-based videophone software. Hawk Relay, LLC operates 24 hours a day, seven days a week. Hawk Relay Video Relay Service can be accessed at this IP address: *dialhawk.com*. When a deaf end user utilizes the service using an internet-based connection, the video interpreter will connect the end user to another end-user utilizing the PSTN. The interpreter relays the conversation in sign language for the deaf or hard of hearing consumer. Hearing individuals may also wish to call the deaf or hard of hearing consumer using a toll-free number.

Internet Protocol Relay- Deaf and hard of hearing consumers will be able to connect to a Hawk Relay, LLC Communication Assistant (CA) through a computer with Internet connection. Hawk Relay, LLC will operate the IP Relay service 24 hours a day, seven days a week. When a deaf end user utilizes the service using an internet-based connection, the CA will connect the end user to another end-user utilizing the PSTN. The interpreter relays the conversation by reading what the deaf end user has typed and also typing what the hearing end user has spoken. Hearing individuals may also wish to call the deaf or hard of hearing consumer using a toll-free number.

(7) The geographic areas in which the services will be offered or a map describing the service area;

Nationwide

(8) Current financial statements of the applicant including a balance sheet, income statement, and cash flow statement; a copy of the applicant's latest annual report; a copy of the applicant's report to stockholders; and a copy of applicant's tariff with the terms and conditions of service;

Hawk Relay, LLC is a start up business and a single member LLC; no financial reports exist for public viewing.

End users of Hawk Relay, LLC services are not bound to the corporation by a term contract; and Hawk Relay, LLC services, VRS and Internet Protocol Relay, are provided in accordance to FCC Telecommunications Relay Service regulations. Hawk Relay, LLC is currently reimbursed through the contract agreement with CAC Relay Services. Hawk Relay, LLC desires to be able to be reimbursed directly from the Interstate TRS Fund in the near future.

(9) The names, addresses, telephone number, fax number, E-mail address, and toll free number of the applicant's representatives to whom all inquiries must be made regarding complaints and regulatory matters and a description of how the applicant handles customer billings and customer service matters;

Samuel Hawk
335 N. Duluth Avenue
Sioux Falls, SD 57104-3025
T. 605-376-9975
F. 605-274-8716
E. sam@hawkrelay.com

Customer billing complaints is inapplicable as the end user of Hawk Relay, LLC's services will not be billed. For customer service matters, the complaint procedure for Hawk Relay, LLC begins with a submission through the customer service section on its web site, www.hawkrelay.com. A complaint can also be received by a customer representative at 605-376-9975 or via fax at 605-274-8716. He can also be reached by e-mail: sam@hawkrelay.com. If one wishes to write a letter, the mailing address is Hawk Relay, 335 N. Duluth Avenue, Sioux Falls, South Dakota, 57104.

A customer service department handles all types of complaints: technical, operational, industry, and miscellaneous. Each complaint is tagged open until resolution or the point of no possible future action has been reached, e.g., a complaint on VRS reimbursement rate that has been copied to the FCC. Technical and operational complaints are managed in-house with the technical and operational point-of-contacts reviewing and following up on every individual complaint. Industry complaints are forwarded to the appropriate agency, the FCC in most instances.

Hawk Relay, LLC will make every attempt to ensure that all complaints are followed up on by the next business day.

(10) A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable;

None

(11) A description of how the applicant intends to market its services, its target market, whether the applicant engages in any multilevel marketing, and copies of any company brochures used to assist in the sale of services;

Due to their unique natures, the provisions of Hawk Relay, LLC (video relay service and Internet protocol relay service) are geared for the deaf and hard of hearing population. Hawk Relay, LLC markets to the deaf and hard of hearing primarily through Internet marketing, focusing on web sites that target the deaf and hard of hearing audience, e.g., www.deafread.com. Marketing is also supported by participation in and sponsorships of select tradeshow targeting the deaf and hard of hearing, e.g., Deaf Professional Happy Hour, Clerc Classic Basketball Tournament (National High School Basketball Tournament for state residential schools for the deaf). Hawk Relay, LLC does not engage in any multi-level marketing. Copies of brochures are enclosed with this application.

(12) Cost support for rates shown in the company's tariff for all noncompetitive or emerging competitive services;

Hawk Relay, LLC services, through a contract agreement with CAC Relay Services, are reimbursed by FCC regulated National Exchange Carrier Association Telecommunication Relay Service (TRS) fund. The FCC has developed minimum standards with which every relay provider must comply. Non-compliance will result in the inability to be reimbursed from the TRS Fund.

(13) Federal tax identification number;

FEIN: 01-0886123

(14) The number and nature of complaints filed against the applicant with any state or federal regulatory commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered;

N/A,

(15) A written request for waiver of those rules the applicant believes to be inapplicable; and

None

(16) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the interexchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

None

SECRETARY OF STATE
STATE CAPITOL
500 E. CAPITOL AVE.
PIERRE, S.D. 57501
605-773-4845

**CERTIFICATE OF AUTHORITY APPLICATION
OF A
FOREIGN LIMITED LIABILITY COMPANY**

DUPLICATE

1. The name of the foreign Limited Liability Company is: Hawk Relay, LLC
2. The name of the state or country under whose laws it is organized is: Delaware
3. The street address of its principal office is: 335 N. Duluth Avenue Sioux Falls, SD 57104-3025
4. The address of its initial designated office in South Dakota is: 335 N. Duluth Avenue Sioux Falls, SD 57104-3025
5. The name and street address of its initial agent for service of process in South Dakota is: Samuel Hawk
335 N. Duluth Avenue Sioux Falls, SD 57104-3025
6. The date of organization is October 10, 2006, and the period of duration is: Unlimited
7. If the company is manager-managed, rather than member-managed, the name and address of each initial manager:
8. Whether one or more of the members of the company are to be liable for its debts and obligations under a provision similar to SDCL 47-34A-303 (c).

This application must be signed by a member if the company is member-managed or by a manager if it's a manager-managed company.

Date 2/22/07

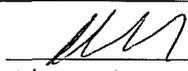
 PRESIDENT
(Signature and Title)

The Consent of Appointment below must be signed by the registered agent.

CONSENT OF APPOINTMENT BY THE REGISTERED AGENT

I, SAMUEL HAWK, hereby give my consent to serve as the
(name of registered agent)

registered agent for HAWK RELAY, LLC
(limited liability company name)

Dated 2/22/07

(signature)

FILING INSTRUCTIONS:

- FILING FEE \$550
- One original and one exact or conformed copy must be submitted
- The application must be accompanied by an original, currently dated *Certificate of Good Standing or Existence* from the Secretary of State in the state where it is organized.

STATE *of* DELAWARE
LIMITED LIABILITY COMPANY
CERTIFICATE *of* FORMATION

Hawk Relay LLC

FIRST. The name of the limited liability company is Hawk Relay LLC.

SECOND. The address of its registered office in the State of Delaware is 1521 Concord Pike, #202, Wilmington, DE 19803, County of New Castle. The name of its Registered agent at such address is United States Corporation Agents, Inc.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Formation on the date below.

Date: October 9, 2006



LegalZoom.com, Inc., Organizer

By: Sonal Bhakta, Assistant Secretary

SAMUEL H HAWK
335 N DULUTH AVE
SIOUX FALLS, SD 57104
820011-23-222027

102

Date 02/22/07 70-7001/2719

Pay to the
order of _____

\$ 250⁰⁰

Two hundred fifty dollars

Dollars



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