

**Notice of Non-Extension To  
Irrevocable Standby Letter Of Credit**

**Number:** SM236054W

**Date:** June 8, 2017

**BENEFICIARY**

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION  
CAPITOL BLD., 1ST FLOOR  
500 EAST CAPITOL AVENUE  
PIERRE, SOUTH DAKOTA 57501

**RECEIVED**  
**JUN 09 2017**  
**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

**APPLICANT(S)**

LATTICE INCORPORATED

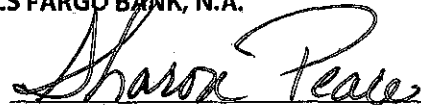
LADIES AND GENTLEMEN:

AS PER THE CONDITIONS STATED IN THE ABOVE REFERENCE IRREVOCABLE STANDBY LETTER OF CREDIT, WE HEREBY NOTIFY YOU THAT THE ABOVE LETTER OF CREDIT WILL NOT BE EXTENDED BEYOND NOVEMBER 13, 2017 (EXPIRY DATE).

Very Truly Yours,

**WELLS FARGO BANK, N.A.**

By:

  
Authorized Signature

Please direct any written correspondence or inquiries regarding this Letter of Credit, always quoting our reference number, to **Wells Fargo Bank, National Association**, Attn: U.S. Standby Trade Services

**at either** 794 Davis Street, 2nd Floor  
MAC A0283-023,  
San Leandro, CA 94577-6922

**or** 401 N. Research Pkwy, 1st Floor  
MAC D4004-017,  
WINSTON-SALEM, NC 27101-4157

Phone inquiries regarding this credit should be directed to our Standby Customer Connection Professionals

1-800-798-2815 Option 1  
(Hours of Operation: 8:00 a.m. PT to 5:00 p.m. PT)

1-800-776-3862 Option 2  
(Hours of Operation: 8:00 a.m. EST to 5:30 p.m. EST)



**OCT 24 2012**

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

Wells Fargo Bank, N.A.  
U. S. Trade Services  
Standby Letters of Credit  
MAC D4004-012  
401 Linden Street, 1st Floor  
Winston-Salem, NC 27101  
Phone: 1(800) 776-3862 Option 2  
E-Mail: sbic-new@wellsfargo.com

**Amendment To  
Irrevocable Standby Letter Of Credit**

**Number :** SM236054W  
**Amendment Number :** 005  
**Amend Date :** October 22, 2012

**BENEFICIARY**

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION  
CAPITOL BUILDING, 1ST FLOOR (DN 09-089)  
500 EAST CAPITOL AVENUE  
PIERRE, SOUTH DAKOTA 57501

**APPLICANT**

LATTICE INCORPORATED  
7150 N PARK DRIVE SUITE 500  
PENNSAUKEN, NEW JERSEY 08109

LADIES AND GENTLEMEN:

AT THE REQUEST AND FOR THE ACCOUNT OF THE ABOVE REFERENCED APPLICANT, WE HEREBY AMEND OUR IRREVOCABLE STANDBY LETTER OF CREDIT (THE "WELLS CREDIT") IN YOUR FAVOR AS FOLLOWS:

- WE HEREBY RESCIND OUR NOTICE OF NON-EXTENSION DATED 08/07/2012, THE AUTOMATIC EXTENSION PROVISION REMAINS IN FULL FORCE AND EFFECT.
- EXPIRY DATE EXTENDED TO 11/13/2013.

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

THIS AMENDMENT IS TO BE ATTACHED TO THE ORIGINAL WELLS CREDIT AND IS AN INTEGRAL PART THEREOF.

Very Truly Yours,

**WELLS FARGO BANK, N.A.**

By:

*Sharon Peace-Smoot*  
Authorized Signature

**The original of this letter of credit amendment contains an embossed seal over the authorized signature.**

Please direct any written correspondence or inquiries regarding this Letter of Credit, always quoting our reference number, to **Wells Fargo Bank, National Association**, Attn: U.S. Standby Trade Services

**at either** One Front Street  
MAC A0195-212,  
San Francisco, CA 94111

**or** 401 Linden Street  
MAC D4004-017,  
Winston-Salem, NC 27101

Phone inquiries regarding this credit should be directed to our Standby Customer Connection Professionals

1-800-798-2815 Option 1  
(Hours of Operation: 8:00 a.m. PT to 5:00 p.m. PT)

1-800-776-3862 Option 2  
(Hours of Operation: 8:00 a.m. EST to 5:30 p.m. EST)



Amendment To  
Irrevocable Standby Letter Of Credit

Number : SM236054W  
Amendment Number : 4  
Amend Date : November 7, 2011

**RECEIVED**  
**NOV 08 2011**  
**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

BENEFICIARY

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION  
CAPITOL BUILDING, 1ST FLOOR (DN 09-089)  
500 EAST CAPITOL AVENUE  
PIERRE, SOUTH DAKOTA 57501

APPLICANT

LATTICE INCORPORATED  
7150 N PARK DRIVE SUITE 500  
PENNSAUKEN, NEW JERSEY 08109

LADIES AND GENTLEMEN:

THIS IS A RESCISSION OF OUR NON-EXTENSION NOTIFICATION

WE AMEND OUR ABOVE REFERENCED LETTER OF CREDIT ISSUED IN YOUR FAVOR FOR THE ACCOUNT OF LATTICE INCORPORATED AS FOLLOWS:

-WE HEREBY RESCIND OUR NOTICE OF NON-EXTENSION DATED 09/23/11, THE AUTOMATIC EXTENSION PROVISION IS STILL IN FULL FORCE AND EFFECT.

-EXPIRY DATE EXTENDED TO 11/13/12.

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

THIS AMENDMENT IS TO BE ATTACHED TO THE ORIGINAL LETTER OF CREDIT AND IS TO BE CONSIDERED AN INTEGRAL PART THEREOF.

Very Truly Yours,

WELLS FARGO BANK, N.A.

By:

  
Authorized Signature

*The original of the Letter of Credit contains an embossed seal over the Authorized Signature.*

Together we'll go far



Please direct any written correspondence or inquiries regarding this Letter of Credit, always quoting our reference number, to Wells Fargo Bank, National Association, Attn: U.S. Standby Trade Services

*at either* One Front Street  
MAC A0195-212,  
San Francisco, CA 94111

*or* 401 Linden Street  
MAC D4004-017,  
Winston-Salem, NC 27101

Phone inquiries regarding this credit should be directed to our Standby Customer Connection Professionals

1-800-798-2815 Option 1  
(Hours of Operation: 8:00 a.m. PT to 5:00 p.m. PT)

1-800-776-3862 Option 2  
(Hours of Operation: 8:00 a.m. EST to 5:30 p.m. EST)



**RECEIVED**

NOV 16 2009

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

November 17, 2009  
Via Electronic Filing

Ms. Patricia Van Gerpen, Executive Director  
South Dakota Public Utilities Commission  
Capitol Building, 1st Floor  
500 East Capitol Avenue  
Pierre, SD 57501-5070

**Re: Lattice Incorporated - Request for amended authority to offer prepaid services  
DN 09-089**

Dear Ms. Van Gerpen:

This letter is submitted on behalf of Lattice Incorporated to request modification of the authority granted to it by order issued November 3, 2009 in the above referenced proceeding. Lattice hereby requests authority to offer prepaid service options in conjunction with its institutional calling services. Lattice plans to offer prepaid and debit services to inmates and their families as additional options to the automated collect services already authorized.

By separate filing, the required Irrevocable Letter of Credit in the amount of \$25,000 is being or has been submitted to the Commission.

Per the Commission's November 3, 2009 order, Lattice may not offer prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments without prior approval of the Commission. Lattice therefore respectfully requests that the Commission issue an order granting it such authority as expeditiously as possible.

Questions regarding this filing may be directed to me at (407) 740-3004.

Sincerely,

*Robin Norton*

Robin Norton, Consultant to  
Lattice Incorporated

cc: Terry Whiteside - Lattice Incorporated  
file: Lattice - SD  
tms: SDn0900b

*Amended letter of Credit  
12/30/09*

WACHOVIA

IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER SM236054W

LETTER OF CREDIT AMOUNT	ISSUE DATE	EXPIRY DATE
USD 25,000.00	11/13/09	11/13/10

BENEFICIARY:  
 SOUTH DAKOTA PUBLIC UTILITIES COMMISSION  
 CAPITOL BUILDING, 1ST FLOOR  
 500 EAST CAPITOL AVENUE  
 PIERRE, SOUTH DAKOTA 57501

APPLICANT:  
 LATTICE INCORPORATED  
 7150 N PARK DRIVE SUITE 500  
 PENNSAUKEN, NJ 08109

WE HEREBY OPEN OUR IRREVOCABLE STANDBY LETTER OF CREDIT IN YOUR FAVOR FOR THE ACCOUNT OF THE ABOVE REFERENCED APPLICANT IN THE AGGREGATE AMOUNT OF (USD TWENTY FIVE THOUSAND AND 00/100'S) USD 25,000.00 WHICH IS AVAILABLE BY PAYMENT UPON PRESENTATION OF THE FOLLOWING DOCUMENTS:

1. A DRAFT AT SIGHT DRAWN ON WACHOVIA BANK, NATIONAL ASSOCIATION, DULY ENDORSED ON ITS REVERSE SIDE THEREOF BY THE BENEFICIARY, SPECIFICALLY REFERENCING THIS LETTER OF CREDIT NUMBER.
2. THE ORIGINAL LETTER OF CREDIT AND ANY AMENDMENTS ATTACHED THERETO.
3. A DATED STATEMENT ISSUED ON THE LETTERHEAD OF THE BENEFICIARY AND PURPORTEDLY SIGNED BY AN AUTHORIZED REPRESENTATIVE STATING:  
 YOU ARE HEREBY NOTIFIED, THE UNDERSIGNED HEREBY CERTIFIES, THAT THE UNDERSIGNED IS AN OFFICIAL DESIGNATED AND DULY AUTHORIZED BY THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION ("COMMISSION") ACTING AS CUSTODIAN FOR THE BENEFIT OF SOUTH DAKOTA CUSTOMERS TO DELIVER THIS NOTICE AND THAT (I) CLAIM(S) HAVE BEEN PRESENTED BY SOUTH DAKOTA CUSTOMER(S) AGAINST LATTICE INCORPORATED ("LATTICE") FOR FAILURE TO PROVIDE PRE-PAID TELECOMMUNICATIONS SERVICES, AND/OR (II) THERE IS REASONABLE BASIS FOR THE COMMISSION TO BELIEVE THAT LATTICE IS INSOLVENT OR HAS DEFAULTED OR IS THREATENING TO DEFAULT ON ONE OR MORE OBLIGATIONS TO PROVIDE SERVICES TO SOUTH DAKOTA CUSTOMERS FOR WHICH THEY HAVE BEEN PRE-PAID. WE THEREFORE DEMAND PAYMENT IN THE AMOUNT OF (INSERT AMOUNT) AS SAME IS DUE AND OWING.

THIS IRREVOCABLE LETTER OF CREDIT SETS FORTH IN FULL THE TERMS OF OUR UNDERTAKING. THIS UNDERTAKING IS INDEPENDENT OF AND SHALL NOT IN ANY WAY BE MODIFIED, AMENDED, AMPLIFIED, OR INCORPORATED BY REFERENCE TO ANY DOCUMENT, CONTRACT, OR AGREEMENT REFERENCED HEREIN.

WE HEREBY AGREE WITH YOU THAT DRAFT(S) DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS AND CONDITIONS OF THIS CREDIT SHALL BE DULY HONORED IF PRESENTED TOGETHER WITH DOCUMENT(S) AS SPECIFIED ABOVE AT OUR OFFICE LOCATED AT 401 LINDEN STREET, MAIL CODE D4004-012, WINSTON-SALEM, NC 27101, ATTENTION: STANDBY LETTERS OF CREDIT ON OR BEFORE THE ABOVE STATED EXPIRY DATE, OR ANY EXTENDED EXPIRY DATE IF APPLICABLE.

CONTINUED ON NEXT PAGE WHICH FORMS AN INTEGRAL PART OF THIS IRREVOCABLE STANDBY LETTER OF CREDIT

# WACHOVIA

IRREVOCABLE STANDBY LETTER OF CREDIT NO. SM236054W PAGE NO. 2 11/13/09

EXCEPT AS OTHERWISE EXPRESSLY STATED HEREIN, THIS LETTER OF CREDIT IS SUBJECT TO THE INTERNATIONAL STANDBY PRACTICES 1998, INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 590 ("ISP98").

SINCERELY,

  
\_\_\_\_\_  
AUTHORIZED SIGNATURE

LAN

THE ORIGINAL OF THIS LETTER OF CREDIT CONTAINS AN EMBOSSED SEAL OVER THE AUTHORIZED SIGNATURE.

PLEASE DIRECT ANY CORRESPONDENCE INCLUDING DRAWING OR INQUIRY QUOTING OUR REFERENCE NUMBER TO:

WACHOVIA BANK, NATIONAL ASSOCIATION  
401 LINDEN STREET, MAIL CODE D4004-012  
WINSTON SALEM, NORTH CAROLINA 27101

OUR CUSTOMER CARE PHONE NUMBER FOR ANY QUERIES IS 800-776-3862  
OUR FAX NUMBER IS 336-735-0950

WACHOVIA AMENDMENT TO IRREVOCABLE STANDBY LETTER OF CREDIT

12/30/09

BENEFICIARY:  
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION  
CAPITOL BLD, 1ST FLOOR  
500 EAST CAPITOL AVENUE  
PIERRE, SOUTH DAKOTA 57501

LETTER OF CREDIT NO. SM236054W

RE: DN 09-089 - LATTICE INCORPORATED  
FILING AMENDMENTS TO LETTER OF CREDIT

GENTLEMEN:

WE AMEND OUR ABOVE REFERENCED LETTER OF CREDIT ISSUED IN YOUR FAVOR  
FOR THE ACCOUNT OF LATTICE INCORPORATED AS FOLLOWS:

THE LETTER OF CREDIT AMENDED NOW TO READ:

IT IS A CONDITION OF THIS LETTER OF CREDIT THAT IT SHALL BE DEEMED  
AUTOMATICALLY EXTENDED WITHOUT WRITTEN AMENDMENT FOR ONE YEAR PERIODS FROM  
THE PRESENT OR ANY FUTURE EXPIRY DATE UNLESS AT LEAST THIRTY (30) DAYS  
PRIOR TO SUCH EXPIRATION DATE, WE SEND THE BENEFICIARY NOTICE AT THE ABOVE  
STATED ADDRESS BY OVERNIGHT COURIER THAT WE ELECT NOT TO EXTEND THIS LETTER  
OF CREDIT BEYOND THE INITIAL OR ANY EXTENDED EXPIRY DATE THEREOF.

THE LAST PARAGRAPH OF THE LETTER OF CREDIT NOW AMENDED TO READ:

THIS CREDIT IS SUBJECT TO THE INTERNATIONAL STANDBY PRACTICES 1998,  
INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 590 ("ISP98") AND  
THE LAWS OF THE STATE OF SOUTH DAKOTA, AND IN THE EVENT OF ANY CONFLICT THE  
LAWS OF SOUTH DAKOTA WILL CONTROL. VENUE SHALL BE THE STATE CIRCUIT COURT IN  
HUGHES COUNTY, SOUTH DAKOTA.

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

THIS AMENDMENT IS TO BE ATTACHED TO THE ORIGINAL LETTER OF CREDIT AND BECOMES  
AN INTEGRAL PART THEREOF.

SINCERELY,

  
-----  
AUTHORIZED SIGNATURE  
WACHOVIA BANK, NATIONAL ASSOCIATION  
EV01/TKP.

THE ORIGINAL OF THIS LETTER OF CREDIT AMENDMENT CONTAINS AN EMBOSSED SEAL  
OVER THE AUTHORIZED SIGNATURE.

OUR CUSTOMER CARE PHONE NUMBER FOR ANY QUERIES IS 800-776-3862, OPTION 2.  
OUR FAX NUMBER IS 336-735-0950.