

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

In the of the Application of )  
BCN TELECOM, INC. )  
For a Certificate of Authority to )  
Provide Facilities-Based and Resold ) Docket No.  
Local Exchange Telecommunications )  
Services in South Dakota )

**APPLICATION FOR AUTHORITY TO PROVIDE  
FACILITIES-BASED AND RESOLD LOCAL EXCHANGE  
TELECOMMUNICATIONS SERVICES**

**I. INTRODUCTION**

Pursuant to S.D.C.L. § 49-31-3 and South Dakota Administrative Rules 20:10:24:02 and 20:10:32:03, BCN TELECOM, INC. (“Applicant”) respectfully seeks a Certificate of Public Convenience and Necessity to permit it to provide facilities-based and resold local exchange services in the State of South Dakota. Applicant requests that a Certificate be granted without hearing or any other formal proceeding that would delay its expansion into the telecommunications market.

**II. QUALIFICATIONS**

In accordance with ARSD 20:10:24:02 and 20:10:32:03 in support thereof, Applicant provides the following information:

- (1) The applicant’s name, address, telephone number, facsimile number, web page URL, and E-mail address:

**BCN TELECOM, INC.**  
**550 Hills Drive, Suite 110, 1st Floor**  
**Bedminster, NJ 07921**  
**Telephone: (908) 470-4700**  
**Facsimile: (908) 470-4707**  
**Toll Free: (800) 768-2852**  
**Web page: [www.bcntelec.com](http://www.bcntelec.com)**  
**E-mail: [kgorey@bcntelec.com](mailto:kgorey@bcntelec.com)**

- (2) A description of the legal and organizational structure of the applicant's company:

**Applicant is incorporated under the law of the State of New Jersey; a copy of the Articles of Incorporation is attached hereto as Exhibit A. Applicant is authorized to transact business in South Dakota as a foreign corporation.**

- (3) The name under which applicant will provide local exchange services if different than in subdivision (1) of this section:

**Applicant will provide telecommunication services under the same name as in subdivision (1) of this section, BCN TELECOM, INC.**

- (4) The location of the applicant's principal office, if any, in this state and the name and address of its current registered agent, if applicable:

**Applicant does not have an office in South Dakota. Applicant's registered agent is Corporation Service Company, 503 South Pierre Street, Pierre, SD 57501.**

- (5) A copy of its certificate of authority to transact business in South Dakota from the secretary of state:

**A copy of Applicant's certificate of authority to transact business in South Dakota appears as Exhibit B hereto.**

- (6) A description of the applicant's experience providing any telecommunications services in South Dakota or in other jurisdictions, including the types of services provided, and the dates and nature of state or federal authorization to provide the services:

**Attached Exhibit C includes a description of the Applicant's experience providing any telecommunications services in South Dakota, or in other jurisdictions.**

- (7) Names and addresses of applicant's affiliates, subsidiaries, and parent organizations, if any:

**Not Applicable.**

- (8) A list and specific description of the types of services the applicant seeks to offer and how the services will be provided including:

**Exhibit D includes a list and specific description of the types of services Applicant seeks to offer and how the services will be provided.**

- (a) Information indicating the classes of customers the applicant intends to serve:

**Applicant intends to offer its services to business and residential customers.**

- (b) Information indicating the extent to and time-frame by which applicant will provide service through the use of its own facilities, the purchase of unbundled network elements, or resale:

**Applicant intends to provide service immediately upon receiving certification as a reseller using the facilities of underlying carriers.**

- (c) A description of all facilities that the applicant will utilize to furnish the proposed local exchange services, including any facilities of underlying carriers:

**Applicant does not currently own or control telecommunications facilities within the State of South Dakota. Applicant does not anticipate the construction of its own fiber facilities at this time. Applicant anticipates that it will lease circuits for transmission purposes and will locate equipment as agreed under interconnection agreements.**

- (d) Information identifying the types of services it seeks authority to provide by reference to the general nature of the service:

**Applicant seeks authority to provide all forms of local exchange service.**

- (9) A service area map or narrative description indicating with particularity the geographic area proposed to be served by the applicant:

**Applicant proposes to provide local exchange services throughout the State of South Dakota in the service areas of Qwest.**

- (10) Information regarding the technical competence of the applicant to provide its proposed local exchange services including:

- (a) A description of the education and experience of the applicant's management personnel who will oversee the proposed local exchange services:

**A description of Applicant's key management personnel appears as Exhibit E attached hereto.**

- (b) Information regarding policies, personnel, or arrangements made by the applicant which demonstrates the applicant's ability to respond to customer complaints and inquiries promptly and to perform facility and equipment maintenance necessary to ensure compliance with any commission quality of service requirements:

**Customer service representatives will handle all initial customer disputes. A representative may escalate the resolution of a dispute internally, or refer the customer to the Commission. Customers may reach a representative by calling 1-800-768-2852.**

**Applicant will maintain a network operations center staffed 24-hours a day. Customers may call Applicant's toll free number to report problems. If the problem involves leased facilities, Customer Service Representatives will contact any relevant underlying carrier(s) for maintenance and repair of network fault(s) affecting service.**

**Applicant understands the importance of effective customer service for local service customers and has made arrangements for its customers to call the company at its toll-free customer service number. Applicant will include the toll free number on the customer's monthly billing statements. Customer service representatives are available from 8 a.m. to 8 p.m. Monday through Friday and from 9 a.m. to 1 p.m. Saturday (all times Central) to address customer complaints. Customers unsatisfied with the initial resolution offered by a customer service representative will be referred to a supervisor. Applicant will refer customers dissatisfied with the resolution offered by a supervisor to the Commission. The Company will establish a dedicated**

**representative of its legal department for receipt of such escalated complaints from the Commission.**

- (11) Information explaining how the applicant will provide customers with access to emergency services such as 911 or enhanced 911, operator services, interexchange services, directory assistance, and telecommunications relay services:

**Services will be provided through the underlying carrier.**

- (12) For the most recent 12 month period, financial statements of the applicant consisting of balance sheets, income statements, and cash flow statements. The applicant shall provide audited financial statements, if available:

**Applicant includes relevant financial statements as Exhibit F attached hereto.**

- (13) Information detailing the following matters associated with interconnection to provide proposed local exchange services:

- (a) The identity of all local exchange carriers with which the applicant plans to interconnect:

**Applicant plans to interconnect with Qwest.**

- (b) The likely timing of initiation of interconnection service and a statement as to when negotiations for interconnection started or when negotiations are likely to start:

**Applicant will initiate negotiations with the LEC upon receiving approval from this Commission.**

- (c) A copy of any request for interconnection made by the applicant to any local exchange carrier:

**The LEC requires Applicant to complete the certification process prior to initiating ICA requests.**

- (14) A description of how the applicant intends to market its local exchange services, its target market, whether the applicant engages in multilevel marketing, and copies of any company brochures that will be used to assist in sale of the services:

**Applicant will offer service to business and residential customers of Applicant. Applicant will not use multilevel marketing to market services.**

- (15) If the applicant is seeking authority to provide local exchange service in the service area of a rural telephone company, the date by which the applicant expects to meet the service obligations imposed pursuant to § 20:10:32:15 and applicant's plans for meeting the service obligations:

**By way of this Application, Applicant is not seeking authority to provide local exchange service in the services areas of any rural telephone companies.**

- (16) 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:

**Exhibit C includes a list of jurisdictions Applicant maintains authority to provide service.**

- (17) The names, addresses, telephone numbers, E-mail addresses, and facsimile numbers of the applicant's representatives to whom all inquiries must be made regarding customer complaints and other regulatory matters:

**All complaints should be directed to:**

**Kelly McKinlay, Director of Customer Service  
BCN TELECOM, INC.  
550 Hills Drive, Suite 110, 1st Floor  
Bedminster, NJ 07921  
Toll Free: (800) 768-2852  
Email: [kmckinlay@bcntele.com](mailto:kmckinlay@bcntele.com)**

**Regulatory matters should be directed to:**

**Patrick D. Crocker  
Crocker & Crocker  
107 W. Michigan Ave, 4<sup>th</sup> Floor  
Kalamazoo, MI 49007  
Telephone: (269) 381-8893  
Fax: (269) 381-4855  
Email: [Patrick@crockerlawfirm.com](mailto:Patrick@crockerlawfirm.com)**

- (18) Information concerning how the applicant plans to bill and collect charges from customers who subscribe to its proposed local exchange services:

**Applicant will schedule monthly billing to customers. Payment is due by the invoice date printed on the bill. Applicant may impose a late charge of 1.5% per month on any delinquent amounts.**

- (19) Information concerning the applicant's policies relating to solicitation of new customers and a description of the efforts the applicant shall use to prevent the unauthorized switching of local service customers by the applicant, its employees, or agents:

**Applicant will not change a customer's service without first confirming the order through one of the verification processes established by the FCC.**

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

**Applicant has not received formal complaints with any state or federal regulatory commission regarding the unauthorized switching of a customer's telecommunications provider or for the act of charging customers for services that have not been ordered.**

- (21) Information concerning how the applicant will make available to any person information concerning the applicant's current rates, terms, and conditions for all of its telecommunications services:

**Exhibit G which includes Applicant's tariff containing rates, terms and conditions of services, Applicant will maintain this tariff on file with the Commission, and copies may be inspected, during normal business hours, at the following location: 550 Hills Drive, Suite 110, 1st Floor, Bedminster, NJ 07921.**

- (22) Information concerning how the applicant will notify a customer of any materially adverse change to any rate, term, or condition of any telecommunications service being provided to the customer. The notification must be made at least thirty days in advance of the change:

**Applicant will provide written notice to customers for changes in rates, terms or conditions of service offerings.**

(23) A written request for waiver of those rules believed to be inapplicable:

**Applicant requests a waiver of the cash flow statement required in 20:10:32:03(12).**

(24) Federal tax identification number and South Dakota sales tax number:

**F.E.I.N. Number 22-3293327**

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

**Applicant has no additional information that it believes may be relevant to the Applicant's qualifications to provide the proposed service.**



**WHEREFORE**, BCN TELECOM, INC. respectfully requests that this Commission grant it authority to provide facilities-based and resold local exchange and interexchange telecommunications services within the State of South Dakota, that the Commission regulate it in a streamlined fashion, and that the Commission approve Applicant's initial proposed tariff effective on the date of the Order granting authority.

Respectfully submitted,

BCN TELECOM, INC.



By: \_\_\_\_\_

Patrick D. Crocker  
Crocker & Crocker  
The Kalamazoo Building  
107 W. Michigan Ave, 4<sup>th</sup> Floor  
Kalamazoo, MI 49007  
Tel: (269) 381-8893  
Fax: (269) 381-4855

Dated: 19 July 2017

**VERIFICATION**

Richard M. Boudria, President of BCN TELECOM, INC., first being duly sworn on oath, deposes and says that he has read the foregoing Application and verifies that the statements made therein are true and correct to the best of his knowledge, information, and belief.

BCN TELECOM, INC.

By: Richard M. Boudria  
Richard M. Boudria

The foregoing instrument was acknowledged before me this 15 day of July  
2013, by Richard M. Boudria.

NOTARY PUBLIC: Kathleen Horvath  
My Commission Expires: November 24, 2013  
County of Somerset State of New Jersey