

Docket Number: TC15-070
Subject Matter: Second Data Request
Request to: X5 OpCo LLC
Request from: South Dakota Public Utilities Commission Staff
Date of Request: December 14, 2015
Responses Due: December 28, 2015

- 2-1. X5 OpCo LLC currently has the name “X5 Solutions” on its website. The website is used as a means of marketing and providing information regarding current rates, terms, and conditions. Therefore, it would appear to staff that the company is doing business as X5 Solutions. Provide the name under which the applicant will provide interexchange services if *different* than subdivision (1) of the COA application, pursuant to ARSD 20:10:24:02(3).

Response: Applicant will be providing service under Applicant’s name of “X5 OpCo LLC.” In early 2015, the Company acquired X5 Solutions, Inc., a company that was not doing business in South Dakota. No separate web site has been established for X5 OpCo LLC. X5 OpCo LLC will be providing services exclusively to commercial subscribers exclusively under assumed service agreements that establish the rates, terms, and conditions for service. The legacy X5 Solutions web site will be redesigned following completion of the NovaTel Ltd., Inc. asset transfer, which was the subject of separate notice filed with the Commission on November 20, 2015.

- 2-2. Refer to response to DR 1-7: Applicant responded that they “*do not have access to information regarding those rules the Commission has waived for competing interexchange carriers with specificity, which are a matter of record with the Commission.*” Access to information regarding rules that the Commission has waived can be found in the publically available dockets at <http://www.puc.sd.gov/Dockets/Telecom/>. Pursuant to ARSD 20:10:24:02(19), provide a written request for waiver of those rules the applicant believes to be inapplicable.

Pursuant to [ARSD 20:10:24:02\(19\)](#), Applicant does not currently request waiver of any applicable regulation.

- 2-3. Refer to response to DR 1-5: Applicant responded that “no brochures have been prepared.” Staff has found that on the company’s website, there are attachments to documents labeled “Hosted Voice Brochure” and “Traditional Voice Brochure.” Supply applicable brochures to the Commission as to complete the requirements of ARSD 20:10:24:02(16). Furthermore, explain why these documents do not reference X5 OpCo LLC.

Response: Please refer to response 2-1. The existing web site is a legacy web site that has not yet been redesigned. Applicant has not developed sales brochures and will not be preparing any marketing material until completed with two major asset acquisition transactions, early in 2016. Applicant is not actively engaged in any marketing pending the integration of acquired assets including acquired entity subscribers who are currently subject to service agreements that are being transferred to Applicant.