

**Before the  
South Dakota Public Utilities Commission  
Pierre, South Dakota 57501**

In the Matter of the Application of )  
**Mobilitie Management, LLC** )  
for a Certificate of Authority to ) TC16-005  
Provide Local Exchange )  
Telecommunications Services in the )  
State of South Dakota )

**AMENDED APPLICATION**

In accordance with S.D. Codified Laws §§ 49-31-3, and 49-31-76, and S.D. Admin. R. 20:10:32:02, and 20:10:32:03, Mobilitie Management, LLC (“Mobilitie Management,” or “Applicant”), by undersigned counsel and pursuant to Commission staff request, hereby submits this Amended Application to provide local exchange telecommunications services in the State of South Dakota (“Application”).

Pursuant to S.D. Codified Laws § 49-31-76 and S.D. Admin. R. 20:10:32:03, Mobilitie Management provides the following information in support of its Application:

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

Mobilitie Management, LLC  
2220 University Drive,  
Newport Beach, CA 92660  
Phone: (877) 999-7070  
Fax: (949) 274-7556  
Email: [solutions@mobilitie.com](mailto:solutions@mobilitie.com)

**(2) A description of the legal and organizational structure of the applicant’s company:**

Applicant is a Delaware Limited Liability Company.

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

Mobilitie Management will provide local exchange services only under the name “Mobilitie Management.”

**(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:**

Mobilitie Management does not have a principal office in the State of South Dakota.

Applicant’s registered agent in the State of South Dakota is:

National Registered Agents, Inc.  
319 South Coteau 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 Mobilitie Management’s certificate of authority to transact business in South Dakota is attached hereto as **Exhibit A**.

**(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:**

Applicant has not provided telecommunications services in South Dakota or in any other jurisdiction.

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

Mobilitie Management is a wholly-owned subsidiary of Mobilitie Holdings, Inc., and Mobilitie Holdings, LLC. Both companies were formed in the State of Delaware, and maintain their principal place of business at 2220 University Drive, Newport Beach, CA 92660.

Applicant’s affiliate, Mobilitie, LLC, is a Nevada limited liability company with its principal place of business at 2220 University Drive, Newport Beach, CA 92660. Mobilitie, LLC

is authorized to provide interexchange and local exchange telecommunications services in the State of South Dakota (*See* Order Granting Certificate of Authority TC10-091, dated November 16, 2010).

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

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

Mobilitie Management intends to provide local exchange services to business customers and government agencies including: wireless carriers, emergency responders, backhaul providers, public safety agencies, etc. Applicant does not intend to provide services to 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:**

Mobilitie Management intends to provide service primarily using its own facilities. Applicant may, however, utilize facilities leased from other carriers from time to time in order to provide its services.

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

Where Mobilitie Management provides its services using its own facilities, Applicant will employ the following types of equipment in the provision of its service: poles, fiber optic cable, antennas, and microwave relays. Where Applicant provides its services using the resold facilities of underlying carriers, Applicant will employ any and all equipment types used by the underlying carrier in the provision of its service as necessary.

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

Mobilitie Management seeks authority to provide the following forms of local exchange service throughout the State of South Dakota: transport, backhaul, and broadband data services

and voice and other data services as well as other infrastructure used by carriers, emergency responders, public safety agencies, backhaul providers, and other companies. Services will be provided using a combination of fixed lines and microwave links to ensure resiliency. Applicant seeks the full range of local exchange authority so that it can have flexibility in provisioning its services in the future.

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

Mobilitie Management seeks authority to provide local exchange service in the entire State of South Dakota in all exchanges to the extent open to competition.

**(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:**

Mobilitie Management has the technical and managerial qualifications necessary to provide the proposed services in its service territory. Attached as **Exhibit C** are the biographies of Applicant's key management and technical personnel. These biographies reflect that the Applicant possesses significant technical and managerial expertise for operating a telecommunications company – consistent with the Commission's requirements.

**(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:**

Applicant will maintain a toll-free number and email for customer complaints and inquiries, which will be staffed during the company's normal business hours. After-hours calls will be forwarded to a voicemail system, and will be handled on the next business day. After-hours emails will be handled the next business day.

Toll-Free Number: (877) 999-7070

Email: [solutions@mobilitie.com](mailto:solutions@mobilitie.com)

**(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:**

As detailed in Section 23, below, due to the nature of Mobilitie Management's service offerings, Applicant requests a waiver of the Commission's rules requiring it to provide customers with access to emergency services, operator services, interexchange services, directory assistance, and telecommunications relay services. Applicant's customers make these services available to end users either using their own facilities or through contractual arrangements with other carriers.

**(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:**

The day-to-day operations of the Mobilitie Management will be entirely financed by its parent company, Mobilitie Holdings, LLC ("Mobilitie Holdings"). Mobilitie Holdings is financially qualified provide the proposed services in South Dakota through its subsidiary, Mobilitie Management. Mobilitie Holdings has access to the financing and working capital necessary to fulfill any obligations that its subsidiary, Mobilitie Management, may undertake with respect to the operation and maintenance of all requested services. Please see **Exhibit B** attached hereto for a copy of Mobilitie Holdings' most recent financial statements.

**(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:**

Mobilitie Management has not yet identified which local exchange carriers it will interconnect with in order to provide its services. Applicant will update the Commission as necessary with information regarding Applicant's interconnection status once such plans are made.

**(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 for interconnection upon grant of service Authority by the Commission as found to be necessary in order to provide its services. Applicant will not initiate interconnection services if and until an interconnection agreement is executed.

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

For the reasons discussed above, Applicant has made no requests for interconnection with any local exchange carrier.

**(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:**

Mobilitie Management's customers will consist of businesses and government agencies such as: carriers, emergency responders, public safety agencies, backhaul providers, and other companies. Applicant intends to solicit customers for its telecommunications services from its existing customer base, and through business-to-business marketing (*e.g.*, professional trade shows). Applicant does not have any available brochures regarding its local exchange service offerings, but all information regarding such services, including the applicable rates, terms, and conditions, can be found on the Applicant's website: [www.mobilitie.com](http://www.mobilitie.com).

**(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:**

Mobilitie Management does not intend to provide services in any service area of a rural telephone company.

**(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:**

Applicant registered to provide telecommunications services in North Dakota and Montana on the following dates:

- North Dakota – April 4, 2016
- Montana – April 5, 2016

As of date, Applicant has not provided services in those jurisdictions.

Applicant is currently applying or registering for authority to provide telecommunications services in all fifty states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

Applicant has never been denied registration or certification in any jurisdiction.

**(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:**

Mobilitie Management’s contact for complaints is:

Chester Bragado, Accounting Manager  
Mobilitie, LLC  
2220 University Drive  
Newport Beach, CA 92660  
Phone: (949) 999-5790  
Fax: (949) 887-2932  
Email: [chester@mobilitie.com](mailto:chester@mobilitie.com)

Applicant's contact for regulatory matters is:

Ethan Rogers, Senior Counsel  
Mobilitie, LLC  
2220 University Drive,  
Newport Beach, CA 92660  
Phone: (949) 999-5767  
Fax: (949) 274-7556  
Email: [ethan@mobilitie.com](mailto:ethan@mobilitie.com)

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

Mobilitie Management will bill customers on a monthly basis for recurring monthly charges for the services provided. Applicant will not utilize billing agents. Non-recurring charges will be billed in the first billing cycle following completion of the work that generated the charge, or as agreed to by the customer. The billing statement will contain details of usage and applicable fees, including state, local and federal taxes, and applicable universal service charges. The billing statement will also include Applicant's name.

**(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:**

Mobilitie Management's customer base will consist solely of businesses, and no residential customers. Applicant intends to solicit new customers from its existing customer base for other services, and through business-to-business marketing (*e.g.*, professional trade shows). Applicant does not intend to offer presubscribed switched services, and therefore, anti-slamming measures are inapplicable.



**(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:**

There have been no complaints filed against Mobilitie Management with any state or federal regulatory commission regarding the unauthorized switching of a customer's telecommunications provider, and or for 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:**

Information concerning Mobilitie Management's current rates, terms, and conditions for all of its telecommunications services will be available on its website: [www.mobilitie.com](http://www.mobilitie.com).

**(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:**

Notice of any materially adverse change to any rate, term, or condition of any telecommunications service offered by Mobilitie Management to customers in the State of South Dakota will be provided in writing via U.S. mail to customers at least thirty (30) days prior to the effective date of the change.

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

Mobilitie Management requests a waiver of S.D. Admin. R. 20:10:32:10, which requires that South Dakota local exchange carriers make the following services available to their customers: (1) access to the public switched network; (2) access to emergency services (*e.g.*, 911, or enhanced 911); (3) access to a local directory and directory assistance; (4) access to operator services; (5) telecommunications relay service capability or access necessary to comply with the state and

federal regulations; (6) non-published service upon written or verbal request of the customer; and (7) access to interexchange services.

Given the nature of Mobilitie Management's service offering, Applicant is unable to comply with this requirement. This requirement is unnecessary because Applicant's customers make these services available to end users either using their own facilities or through contractual arrangements with other carriers. Applicant simply acts as a short-haul, wireline-based wholesaler for such customers. Moreover, the requested waiver is not contrary to universal service, public safety, and welfare or quality of service because Applicant's networks are fully compatible with these services even though Applicant itself does not provide them to its carrier customers. Finally, the requested waiver is in the public interest because Applicant would be required to completely redesign its service offering to support the listed services, which would render Applicant's services economically unfeasible to deploy.

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

Federal Tax Identification Number: 81-0819781

South Dakota Sales Tax Number: Pending. Applicant will update the Commission with its South Dakota Sales Tax Number upon grant of registration.

**(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:**

Mobilitie Management will provide any additional information in response to specific inquires from the Commission.

**CONCLUSION**

WHEREFORE, Mobilitie Management, LLC respectfully requests that the Commission grant it authority to provide local exchange services throughout the entire state of South Dakota – in those areas open to competition.

Respectfully submitted,



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*Counsel for Mobilitie Management, LLC*

Dated: April 12, 2016