

**BEFORE THE
SOUTH DAKOTA PUBLIC SERVICE COMMISSION**

Pursuant to Rule **20:10:32:03** of the Commission's Telecommunications Services Rules, Broadsmart Global, Inc. ("Applicant") submits the following information:

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

Broadsmart Global, Inc.
222 Lakeview Avenue, Suite 1600
West Palm Beach, FL 33401
Telephone: 954-449-8000
Facsimile: 954-449-8001
Toll Free/Regulatory: 888-656-3055
Toll Free Customer Service: 800-816-0898
Website: www.broadsmart.com

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

Broadsmart Global, Inc. is a Florida corporation incorporated on March 11, 2016.

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

The Applicant will provide services under the name shown in Question 1.

- (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;**

Broadsmart Global, Inc. has no principal office in South Dakota.

The name and address of Applicant's current registered agent is:

Corporation Service Company
503 S Pierre St
Pierre, SD 57501-4522

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

A copy of the Applicant's certificate of authority to transact business in South Dakota from the Secretary of State is included as **Attachment I** to the application.

- (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;**

Broadsmart offers the services that it proposes to offer in South Dakota on a nationwide basis, excluding Alaska. Most states do not require interconnected VoIP service providers to obtain a certificate of public convenience. States that require a form of registration are identified in **Exhibit V**, with any applicable registration number. Broadsmart also holds an FCC 214 international license, as listed in **Exhibit V**.

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

Parent Company:

MagicJack VocalTec, Ltd.
Binat Building 5th Floor
HAR Hotzvim
Netanya, Israel 42504
Telephone: 97256.17712253

Affiliates:

YMax Communications Corp.
222 Lakeview Avenue, Suite 1600
West Palm Beach, FL 33401
Telephone: 561-290-8585

MagicJack SMB, Inc.
222 Lakeview Avenue, Suite 1600
West Palm Beach, FL 33401
Telephone: 561-290-8585

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

Broadsmart Global intends to provide fixed interconnected VoIP service to small business customers. The Company's offerings will provide customers with the communications equivalent of traditional wireline local and intrastate long distance services for connections to and from the public switched telephone network, including essential functionalities such as access to emergency 911 service, operator services and directory assistance. Customers will be able to make and receive calls in essentially the same manner as traditional wireline service customers and will enjoy access to features similar to those available with traditional wireline services, including but not limited to call waiting, call forwarding, 3way calling, caller ID and voice mail. Broadsmart Global will utilize the services of its underlying CLEC carrier, YMax Communications Corp., for interconnection to the public switched network and numbering resources. The Applicant intends to provide most customers with unlimited flat rate domestic calling, although it may offer certain services on a per minute basis. Broadsmart Global does not intend to serve residential customers.

Broadsmart will not deploy its own facilities. Its underlying CLEC carriers will provide interconnection to the public switched network, routing and call completion functions.

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

Broadsmart Global, Inc. will provide Interconnected Voice over Internet Protocol service to both residential and business customers.

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

The Applicant requests authority to provide service throughout the state of South Dakota, excluding those areas served by a rural telephone company.

Broadsmart Global's service areas will mirror those established by the underlying ILECs and Broadsmart Global concurs in the service maps of those carriers, as currently filed with the Commission and as subsequently redefined. For these reasons, Broadsmart Global requests that it be exempted from the requirement to provide a service area map in its filing.

- (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; and

Broadsmart Global is technically qualified to provide the interconnected VoIP services that it proposes. As indicated below, its management team has extensive telecommunications experience. Current resumes of Broadsmart Global, Inc. management personnel are included as **Attachment III**.

- (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 is responsible for all customer inquiries and complaints. The telephone number for customer inquiries and complaints is provided by Broadsmart Global, Inc. on the customer bill. Broadsmart Global, Inc. Customer Service department may be accessed 800-816-0898 for consumer complaints.

- (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;**

The Company's offerings will provide customers with the communications equivalent of traditional wireline local and intrastate long distance services for connections to and from the public switched telephone network, including essential functionalities such as access to emergency 911 service, operator services, directory assistance and telecommunications relay services. Customers will be able to make and receive calls in essentially the same manner as traditional wireline service customers and will enjoy access to features similar to those available with traditional wireline services, including but not limited to call waiting, call forwarding, 3way calling, caller ID and voice mail. Broadsmart Global will utilize the services of its underlying carrier, YMax Communications Corp., for interconnection to the public switched network, including the functionalities described herein.

- (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;**

Broadsmart Global has the financing and capital necessary to provide local exchange service via interconnected VoIP, as proposed in this Application. Attached hereto as **Attachment II**, is a copy of the Applicant's balance sheet. Broadsmart is requesting that its financials be treated as Confidential.

- (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;

Broadsmart Global, Inc. will utilize the services of its underlying carrier, YMax Communications Corp. for interconnection to the public switched network and numbering resources. YMax Communications has interconnection agreements with the underlying ILECs, including Qwest Communications in South Dakota.

- (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; and

Broadsmart Global, Inc. currently has access to YMax Communications Corp's network which holds a Certificate of Authority as a CLEC in South Dakota. Because the agreement does not involve an ILEC, a filing with the Commission is not required.

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

Not applicable. See response to (a) and (b).

- (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;**

The primary marketing channel for Broadsmart Global, Inc. is via agents, direct mail and internet advertising.

- (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;**

Broadsmart Global, Inc. is not seeking to provide service in rural territories.

- (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;**

See Attachment V. Broadsmart is in good standing with all regulatory agencies where it operates and has not ever been denied registration or certification.

- (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;**

Contact for Customer Complaints

William Hollerby, Customer Service Manager
Broadsmart Global, Inc.
4 W Las Olas Blvd.
Fort Lauderdale, FL 33301
Telephone: 954-449-8000
E-mail: whollerby@broadsmart.com

Contact Regulatory Matters

Tina Tecce, Regulatory Manager
Broadsmart Global, Inc.
222 Lakeview Avenue, Suite 1600
West Palm Beach, FL 33401
Telephone: 908-806-7096
E-mail: ttecce@broadsmart.com

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

Broadsmart Global, Inc. will bill customers directly. Customer payments will be made directly to the Company and the Company will have no payment centers in South Dakota.

- (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;**

Broadsmart Global, Inc. utilizes a direct sales approach to its marketing efforts. The Company does not utilize any form of multilevel marketing in the sale of its services. The Company uses written LOA to prevent the unauthorized switching of local service customers.

- (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;**

Broadsmart Global, Inc. has never had a complaint filed against it for the unauthorized switching of a customer's local exchange service.

- (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;**

Broadsmart Global, Inc. will post product offerings on its website, and all customers will enter into written or electronic contracts for products and services.

- (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;**

Broadsmart Global, Inc. will notify customers directly or via bill insert, thirty days in advance of the change, as warranted by the nature of the change.

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

Broadsmart is not requesting a waiver of any rules.

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

Broadsmart Global, Inc. Federal Tax Identification Number is 81-1807725

- (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.**

Not applicable.

WHEREFORE, on the basis of the information provided in the Application and Attachments Broadsmart Global, Inc. respectfully requests that the Commission grant this application.

Broadsmart Global, Inc. will comply with all requirements applicable to the provision of Interconnected Voice Over Internet services provision.



Jose Gordo, Chief Financial Officer
Broadsmart Global, Inc.
222 Lakeview Avenue, Suite 1600
West Palm Beach, FL 33401

Dated: 4/5/17