

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

**IN THE MATTER OF THE APPLICATION OF )  
COMMUNICATIONS VENTURE CORPORATION, )  
d/b/a INdigital, FOR AUTHORITY TO )  
PROVIDE COMPETITIVE LOCAL EXCHANGE )  
SERVICES IN SOUTH DAKOTA )**

**Docket No. \_\_\_\_\_**

**APPLICATION FOR CERTIFICATE OF AUTHORITY**

Pursuant to the provisions of SDCL 49-31-3, 49-31-1 through 49-31-89 and ARSD 20:10:32:03, Communications Venture Corporation, d/b/a INdigital (“INdigital”) hereby applies for a Certificate of Authority to provide competitive local exchange services throughout the State of South Dakota.

- (1) The applicant’s name, address, telephone number, facsimile number, web page URL, and E-mail address (20:10:24:02(1) & 20:10:32:03(1));**

Communications Venture Corporation  
d/b/a INdigital  
1616 Directors Row  
Fort Wayne, IN 46808  
Telephone: (Toll free) 877-469-2010 or 260-469-2010  
Facsimile: (Toll free) 877-469-4329

Web site: [www.indigital.net](http://www.indigital.net)

Email: [info@indigital.net](mailto:info@indigital.net)

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

Communications Venture Corporation was formed as a Corporation on June 16, 1995 in the State of Indiana. A copy of the Company’s Articles of Incorporation is attached as **Exhibit A**.

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

Communications Venture Corporation will do business in South Dakota under the name “INdigital”. A copy of Applicant’s South Dakota Doing Business As/ Fictitious Name Registration is attached as **Exhibit B**.

- (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 has no principal office located in South Dakota.

The name and address of Applicants registered agent is:

CT Corporation Systems  
319 S. Coteau Street  
Pierre, SD 57501

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

Communications Venture Corporation d/b/a INdigital applied for and received authorization to operate as a Foreign Corporation from the South Dakota Office of the Secretary of State. A copy of the Certificate of Authority is attached as **Exhibit C**.

- (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 previously provided any telecommunications services in South Dakota.

Communications Venture Corporation was formed in 1995 by a group of Independent telephone companies who wanted to participate in the upcoming PCS spectrum auction. The original goal of the company was to acquire FCC licenses for wireless communications service. In response to rapidly changing market conditions, the company evolved into a CLEC (competitive local exchange carrier). Creating the trade name INdigital telecom. INdigital telecom began offering service in Allen County, Indiana in 1997. As the company continued to evolve, it expanded into the research, development and implementation of IP based Enhanced 9-1-1 network solutions.

In 2004, INdigital telecom was selected by the Indiana Wireless 9-1-1 Advisory Board to build a new E9-1-1 network. The company built a private, high speed IP network, the first large scale public safety network of its kind in the United States. The project, known today as the IN911 network, uses IP connectivity, providing many of Indiana's 911 local authorities and emergency service providers with an innovative platform for new types of emergency services.

INdigital continues to develop new and emerging technology in the public safety industry sector and is providing the statewide Next Generation IP based 9-1-1 networks in Indiana, New Hampshire and Alabama. Applicant is certified to operate as a Competitive Local Exchange Carrier and is offering 9-1-1 services in Alabama, Florida, Georgia, Illinois, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Hampshire, Ohio, Tennessee, Texas, Vermont, West Virginia, and Wisconsin, with applications pending in California, and Rhode Island. A chart summarizing the types of services authorized and the dates of authorization is attached as **Exhibit D.**

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

Applicant has no subsidiaries. Applicants affiliates/shareholders operating in the communications industry are as follows with those that own over 10% of company stock noted:

New Paris Communications Corp	19066 Market Street PO Box 47 New Paris, IN 46553	(23%)
Springcom, Inc.	400 East Main PO Box 208 Springport, MI 49284	(23%)
Allendale Telephone Company	6568 Lake Michigan Drive Allendale, MI 49401	(16%)
Craigville Telephone Company	2351 N Main Street PO Box 38 Craigville, IN 46731	(15%)
Kalida Telephone Company	121 East Main Street PO Box 267 Kalida, OH 45853	
Citizens Telephone Corp	426 North Wayne PO Box 330 Warren, IN 46792	
Fort Jennings Telephone Company	65 West 3 <sup>rd</sup> PO Box 146 Fort Jennings, OH 45844	
OTEC Communications Company	245 West Third Street PO Box 427 45876	

Pulaski-White Rural Telephone Company 306 South State Road 39 PO Box 408 Buffalo, IN  
47925

**(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:**

Applicant intends to focus on offering transitional Enhanced 9-1-1 (“E9-1-1”) and Next Generation (“Next Gen”) 9-1-1 services to State, local, and/or any governmental or quasi-governmental agencies involved in administering and delivering emergency services using the universal 9-1-1 dialing code throughout the State of South Dakota.

**(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 as soon as possible upon grant of this Application and when it enters into an agreement for a request for service from a customer. Applicant intends to lease or purchase facilities and unbundled network elements from existing telecommunications carriers that operate in South Dakota.

**(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 any facilities but intends to purchase or lease facilities from existing telecommunications carriers that operate in South Dakota.

Applicant may also enter into collocation agreements, interconnection agreements and/or commercial agreements with existing carriers and providers to facilitate ordering various network elements required to meet the needs of the customer.

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

Applicant intends to focus on offering transitional Enhanced 9-1-1 (“E9-1-1”) and Next Generation (“Next Gen”) 9-1-1 services to State, local, and/or any governmental or quasi-governmental agencies involved in administering and delivering

emergency services using the universal 9-1-1 dialing code. These Next Gen Core services include IP based 9-1-1 call routing, database services, and database management.

Applicant also provides Text for 9-1-1 service which includes texting to and from 9-1-1.

Applicant does not intend to provide local exchange voice dial tone services to residential or business customers or provide long distance voice toll services to residential or business customers.

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

Applicant seeks statewide authority to provide 9-1-1 services throughout the State of South Dakota.

**(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:**

Applicant has been operating as a Competitive Local Exchange Carrier (CLEC) since 1997 and has been providing 9-1-1 Services since 2005 in various states. Applicant is managed by a highly skilled and experienced leadership team. **Exhibit E** provides a biographical description of key individuals to Applicant's management team.

**(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 operates a 24x7x365 Network Operations Center (NOC). Customers have the ability to make a service request or report trouble by calling our toll-free number: (877) 469-2010 or opening up a ticket electronically. Applicant performs routine maintenance and upgrades to its equipment and monitors the network 24x7x365 in addition to complying with state quality

of service and notification requirements. Applicant provides its customers with an escalation procedure and contact list as part of its disaster recovery procedures and to provide customers with direct contact with executive management when needed to resolve an issue or complaint.

**(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:**

Applicant does not intend to offer local or long-distance services to residential and business customers and therefore respectfully requests a waiver of this requirement to the extent necessary under S.D. Administrative Rule 20:10:32;10, as it is not applicable to the services the Applicant will provide. Applicant intends to provide services specific to 9-1-1 call delivery and will ensure end user customers have access to 9-1-1 services by providing the end users *carrier* connectivity to the 9-1-1 network. Waiver of this requirement is in the public interest and is not contrary to universal service, the public and safety and welfare of the public, or quality of service.

**(12) For the 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 has attached its most recent 12 month period financial statements as

**Exhibit F.**

**(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 all South Dakota local exchange carriers. Applicant plans to submit a competitive bid in response to Request for Proposal No. 1569 (the "RFP") issued by the State of South Dakota's Office of Procurement Management regarding Emergency Services IP Network, Statewide Host Remote Call Answering System and Managed Services. Section 3.8 of the RFP requires the vendor to file bona fide requests for connectivity with all phone providers - *i.e.*, all local exchange carriers ("LECs"), CLECS, rural local exchange carriers ("RLECS"), ILECS, all wireless carriers, VoIP carriers, and any other 9-1-1 call source as may be

identified by the south Dakota 9-1-1 Board for interconnection to and processing by the NG9-1-1 system as required by law. Applicant is owned by nine independent telephone companies and is highly experienced in requesting and entering into interconnection agreements or commercial agreements and has many agreements in place in other states in which the applicant operates.

**(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 intends to begin negotiating interconnection arrangements after the Commission approves Applicant's Certificate of Authority for Local Exchange Service. No definite timelines have been established yet.

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

Applicant has not made any bona fide requests for interconnection with carriers that operate in South Dakota at this time.

**(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 the sale of the services:**

Applicant intends to market its services by responding to RFPs, and through direct contact with potential customers. Applicant intends to focus on offering transitional Enhanced 9-1-1 ("E9-1-1") and Next Generation ("Next Gen") 9-1-1 services to State, local, and/or any governmental or quasi-governmental agencies involved in administering and delivering emergency services using the universal 9-1-1 dialing code. Applicant does not engage in multilevel marketing. Applicant has included a copy of its company brochure that will be used to assist in sales as **Exhibit G**.

**(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:**

Applicant does not intend to provide local voice services or traditional switched local exchange service to residential or business customers in the service area of any rural telephone

company and therefore does not believe this applicable. As noted above, Applicant intends to offer 9-1-1 services, including transitional E9-1-1 and Next Gen 9-1-1 services to State, local, and/or any governmental or quasi-governmental agency involved in administering and delivering emergency services using the universal 9-1-1 dialing code. Applicant does not seek status as an Eligible Telecommunications Carrier as described in §20:10:32:15 of the South Dakota Administrative Rules.

- (16) **A list of 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 is certified to operate as a Competitive Local Exchange Carrier in Alabama, Florida, Georgia, Illinois, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Hampshire, Ohio, Tennessee, Texas, Vermont, West Virginia, and Wisconsin, with applications pending in California, and Rhode Island. Applicant is in good standing with the appropriate regulatory agencies in the states it is certified and has not been denied registration or certification in any state.

- (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:**

Deborah Prather  
INdigital  
1616 Directors Row  
Fort Wayne, IN 46808  
Tel: (877)-469-2010, Direct: (260) 469-2143  
Fax: (877) 469-4329  
Email: [dprather@indigital.net](mailto:dprather@indigital.net)

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

Applicant plans to bill and collect charges from its customers on a monthly basis.

- (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 intends to respond to RFPs, customer requests, and may solicit customers directly. As noted above, Applicant intends to offer 9-1-1 services, including transitional E9-1-1 and Next Gen 9-1-1 services to State, local, and/or any governmental or quasi-governmental agency involved in administering and delivering emergency services using the universal 9-1-1 dialing code. Because Applicant will not provide local exchange voice dial tone services or long distance voice toll services to residential or business customers, Applicants employees will not have access or the ability to engage or execute the unauthorized switching of end-user 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:**

Applicant has not been the subject of any complaints filed with any state or federal commission regarding the unauthorized switching of a customer's telecommunications provider or 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:**

Applicants 9-1-1 services rates will be specified in negotiated agreements with Applicant's state, local, governmental and/or quasi-governmental agencies that are responsible for administering and delivering emergency services using the universal 9-1-1 dialing code. As noted above, Applicant will not be offering long distance voice toll services or local exchange voice dial tone services to residential and business customers.

**(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 notify its affected customers of any materially adverse change to any rate, term or condition of any telecommunications service consistent with the terms of their contracts with Applicant and applicable law.

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

Because Applicant will not be providing traditional switched local exchange service such as local or long distance voice dial tone services or voice toll services to residential or business customers, Applicant respectfully requests a waiver of S.D. Admin. Rule 20:10:32:10, which requires telecommunications companies providing local exchange services to make the following services available to their customers: (1) access to the public switched network; (2) access to emergency services such as 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 state and federal regulations; (6) nonpublished service upon written or verbal request of the customer; and (7) access to interexchange services. With respect to (2) above, Applicant does not believe its service offerings directly provide an end user or local services subscriber direct access to emergency services but will connect the end user or local services subscriber's *carrier* to the emergency services network for 9-1-1 call delivery to the PSAP.

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

Applicant's federal tax identification number is: [REDACTED]. Applicant's South Dakota sales tax number is: [REDACTED].

**(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:**

Granting this Application will serve the public interest by increasing competition in the provision of telecommunications services in South Dakota, in particular 9-1-1 Services. Applicant is owned by nine Independent local exchange carriers and has been offering and implementing local exchange services since 1996 and specifically advanced 9-1-1 services since 2005 and has a highly experienced managerial and technical staff. Applicant is financially sound. Granting this Application will allow the citizens of South Dakota to have access to state-of-the art emergency

9-1-1 services for accessing public safety responders throughout the state. Accordingly, Applicant respectfully requests that the Commission grant this Application expeditiously.

Dated this 27<sup>th</sup> day of February, 2019.

Respectfully submitted,

CUTLER LAW FIRM, LLP



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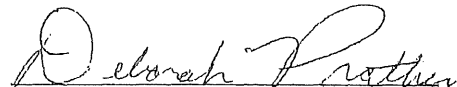
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STATE OF ILLINOIS  
COUNTY OF COLES

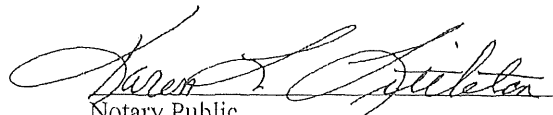
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**VERIFICATION**

I, Deborah Prather, Director of Regulatory Affairs for Communications Venture Corporation, d/b/a INdigital (the "Company"); that I am authorized to make this Verification on behalf of the Company; that the foregoing filing was prepared under my direction and supervision; and that the contents with respect to the Company are true and correct to the best of my knowledge, information, and belief.

  
Deborah Prather  
Director Regulatory Affairs  
Communications Venture Corporation  
d/b/a INdigital

Sworn and subscribed before me this 27<sup>th</sup> day of February 2019.

  
Notary Public

My commission expires 09-15-2022

