

**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. TC19-004**

RESPONSES TO STAFF’S DATA REQUEST #1

Communications Venture Corporation, d/b/a INdigital (“INdigital”), by and through its attorney, makes this filing in response to the South Dakota Public Utilities Commission (the “Commission”) Staff’s First Data Request dated March 12, 2019.

1-1. Pursuant to ARSD 20:10:32:03(2), provide a description of the organizational structure of the company.

Response: The company is organized into functional work groups with areas of specialized knowledge. We have attached an organizational chart showing this structure as Attachment A.

1-2. Refer to page 1 of the application for Certificate of Authority (1): The Company references 20:10:24:02(1). Does the company wish to provide interexchange services in South Dakota, as well? If yes, please amend the application to reflect this.

Response: Interexchange service will be required to allow 9-1-1 call takers to return calls to public callers that are using mobile handsets, as well as the ability to contact public safety agencies throughout the state. INdigital has submitted a supplement to its original application addressing this issue.

1-3. Pursuant to ARSD 20:10:32:03(8)(c), provide a description of all facilities that the applicant will utilize to furnish the proposed local exchange services, including any facilities of underlying carriers.

Response: The predominant part of our service will be delivered using Internet Protocol (IP) technologies. Certain legacy services and transitional services will require that INdigital use wholesale local, intraexchange, and interexchange services from South Dakota local exchange providers for the delivery of its service.

INdigital plans to deploy active IP and legacy network and Next Generation 9-1-1 functional elements at South Dakota based data centers.

- 1-4. Refer to ARSD 20:10:32:03(10)(b): Provide information regarding policies, personnel, or arrangements made by the company which demonstrates the applicant's ability to perform facility and equipment maintenance necessary to ensure compliance with any commission quality of service requirements.

Response: INdigital's NG9-1-1 service will be provided under terms and conditions of a contract with the State 9-1-1 Authority. Under this contract, there are specific Service Level Agreements that must be attained. The company has local employees, service providers and contractors available to provide the required maintenance to meet these contractual terms.

In addition, INdigital will review and harmonize the Commission's own quality of service requirements into the contract terms to ensure compliance.

- 1-5. Refer to ARSD 20:10:32:03(12): Provide audited financial statements, if available.

Response: Confidential financial statements are attached as Attachment B.

- 1-6. Related to ARSD 20:10:32:03(13)(c): As the company has not yet made any requests for interconnection in South Dakota, provide a copy of any request for interconnection made by the applicant in any of its jurisdictions where it does business similar to what it is requesting to do here.

Response: INdigital has entered into interconnection agreements with CenturyLink in a number of other jurisdictions. Many of these are filed with the applicable regulatory body. A sample interconnection agreement has been provided as Attachment C.

INdigital would expect to enter into similar interconnection agreements (ICA) with other LECs in South Dakota, but would forecast that these ICAs are likely to be more limited in scope to only emergency service classes of calls from these providers.

- 1-7. Refer to ARSD 20:10:32:03(15): If it is the applicant's intent, please submit a waiver of ARSD 20:10:32:15 pursuant to ARSD 20:10:32:18.

Response: INdigital is requesting a waiver of the requirements of ARSD 20:10:32:15 relating to the additional service requirements in a rural service area. INdigital intends to enter into a Joint Stipulation with the South Dakota Telecommunications Association in this Docket limiting INdigital's certification to cover only those specific telecommunications services that are necessary for INdigital to provision its 9-1-1 emergency services, including the NG9-1-1 related services as described in its Application and prohibiting INdigital from offering any retail "telephone exchange services" to either residential or business end user customers or to provide any wholesale "exchange access services" to other carriers or service providers (as such terms are defined in 47 U.S.C. §

153). Pursuant to this stipulation, INdigital also agrees that if at any time in the future it chooses to provide these additional services within any rural telephone company service area in South Dakota, it will come back before the Commission with an amended application seeking additional local exchange service authority. This further proceeding would give the Commission the ability to consider and determine whether or not it should apply the rural safeguard protections provided by 47 U.S.C. § 253(f) and SDCL § 49-31-73 within any rural telephone company service area affected by the amended application.

1-8. Refer to ARSD 20:10:32:03(18): Will the company receive any money in advance of services rendered?

Response: INdigital is not forecasting any prepayment for services.

1-9. Refer to ARSD 20:10:32:10¹: Please explain in writing why the company is unable to comply with 20:10:32:10(1-7). Please explain for each waiver, how:

Response: INdigital has reviewed the above citation, and is requesting a waiver only for the following items:

(3) Access to a local directory and directory assistance;

INdigital is seeking a waiver due to the nature of its limited service offering of 9-1-1 emergency services. INdigital's scope of service is limited to accepting 9-1-1 calls from originating service providers and providing the NG9-1-1 system that processes and routes these public initiated 9-1-1 calls to the appropriate Emergency Communications Center.

There is no provision for the public caller to reach directory assistance or for the use of local directory information.

(4) Access to operator services;

INdigital is seeking a waiver due to the nature of its limited service offering of 9-1-1 emergency services. INdigital's scope of service is limited to accepting 9-1-1 calls from originating service providers and providing the NG9-1-1 system that processes and routes these public initiated 9-1-1 calls to the appropriate Emergency Communications Center.

There is no provision for the public caller to reach directory assistance or for the use of local directory information.

¹ Source used for these responses: <https://sdlegislature.gov/Rules/DisplayRule.aspx?Rule=20:10:32:10>
<https://sdlegislature.gov/Rules/DisplayRule.aspx?Rule=20:10:32:03>
<https://sdlegislature.gov/Rules/DisplayRule.aspx?Rule=20:10:32:15>
<https://sdlegislature.gov/Rules/DisplayRule.aspx?Rule=20:10:32:18>

- (1) The requirement is not necessary based on the type of service being provided to by the company;

INdigital has based the request for waivers on the above provision. All other services will be provided by INdigital in the scope of service it will provide and as requested by this application.

- (2) The waiver is not contrary to universal service, the public safety and welfare, and quality of service; and
- (3) The waiver is in the public interest.

INdigital's request for waiver is compliant with the above provisions. There is no impact on universal service, and no impact to the quality of service or public impact for the above waiver requests.

- 1-10. Provide information on the outage in Indiana in February 2019 and the steps the company has taken to mitigate the likelihood of it happening again.

Response: The February 15 Indiana impairment event was caused by circumstances subsequent to the failure of a core IP router during a maintenance event.

The replacement router behaved differently than the other three routers in the IP core. Prior to this event, this network had provided 13 years of highly available service to the state of Indiana.

In the week following the event, INdigital took immediate and essential action to analyze these conditions and correct the root cause. Our full report on this event is marked as Attachment D.

Beyond these measures to identify and mitigate the cause, INdigital is upgrading the Indiana 9-1-1 network to a newer design. This work will produce the G-19 version of the IN911 network, with improvements in the topology and protocols used. Our goal is to improve the underlying transport network and network resiliency, as well as improve the availability of the network core, spine, and edge of the ESInet.

- 1-11. Provide information on interconnection disagreements in the past and the steps the company has taken to mitigate the likelihood of it happening again.

Response: INdigital is an early pioneer in the design, provisioning, build-out, and successful operation of NG9-1-1 networks. Much of our work pre-dates industry standards that are common today, and well known throughout the industry. These

interconnection disagreements are from these early periods of time, and we agree they were significant and well known industry and regulatory events.

Like any pioneer, we sought interconnection - and more importantly - interoperability with legacy E9-1-1 systems, equipment and legacy operating practices. This resulted in conflict that could not be resolved without evidentiary hearings and the establishment of new types of both ICAs and Commercial Agreements.

Over time, conflict of this type was minimized, and in all current projects it has been fully eliminated. INdigital's methods of advancing public safety to the next generation of 9-1-1 service has been highly successful and projects do not have regulatory conflict.

In the past 7 years, INdigital refined has put in place ICAs and Commercial Agreements that have evolved and adapted to better fit the legacy 9-1-1 providers method of operation. We do not forecast conflict as a result of our planned work in South Dakota.