



dial tone services to residential or business customers or provide long distance voice toll services to residential or business customers. (Par. 8(d)).

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. (Par. 8(c)).

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

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. (Par. 13).

4. All of the SDTA member companies operate as "rural telephone companies" for purposes of the Federal Telecommunications Act of 1996 and also the state laws enacted in 1998 addressing local exchange competition (SDCL § 49-31-69, et. seq.). Given that the Application for authorization to provide competitive local exchange services filed by INdigital covers the entire State of South Dakota, all of the SDTA member local exchange carriers (LECs) have an interest in and stand to be impacted by this proceeding. SDTA seeks intervention herein based on the individual interests of each of its member ILECs and based on their common interests to ensure that the provisions contained in federal and state laws pertinent to the provisioning of any local exchange services in rural telephone company service areas, specifically, are properly considered and applied.

5. INdigital makes it clear by its Application that it is not a typical provider of local exchange service noting that “it will not be providing traditional switched local exchange service such as local or long distance voice dial tone services to residential or business customers . . .” (Par. 23). SDTA interprets this and related statements in INdigital’s Application to mean that the company has no current plans to provide retail voice dial tone services or any exchange access services in South Dakota that are unnecessary to the provisioning of its 9-1-1 emergency services. Given the fact that INdigital’s services in South Dakota will be limited to providing 9-1-1 emergency services to PSAP entities and given the company’s request for a waiver of the local exchange service obligations imposed under ARSD § 20:10:32:10, it is SDTA’s position that any COA issued by the Commission in this proceeding should be correspondingly limited. INdigital should receive authorization for only those telecommunications services necessary for it to provide its described emergency 9-1-1 services. Its Application, as filed, does not warrant the granting of a broad certificate of authority covering all local exchange telecommunications services throughout all areas of the State.

6. Further, because emergency 9-1-1 services are regulated telecommunications services and, by law, are considered an essential component of “local exchange” or “telephone exchange services,” SDTA believes the additional service obligations imposed on competitive local exchange carriers entering rural service areas (found in SDCL § 49-31-73 and ARSD §§ 20:10:32:15 thru 20:10:32:17) should be viewed as applicable and should be addressed through the established waiver process.<sup>1</sup> INdigital’s Application at this time does not include a request for a waiver of these rural safeguard provisions, as is permitted under ARSD § 20:10:32:18.

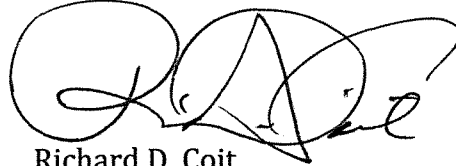
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<sup>1</sup> See 47 U.S.C. §§ 153(32) and 153(54).

7. Based on the foregoing, SDTA alleges that it is an interested party in this matter and would seek intervening party status.

Dated this 31<sup>st</sup> day of March, 2019.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Richard D. Coit', written in a cursive style.

Richard D. Coit  
Executive Director and General Counsel  
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**CERTIFICATE OF SERVICE**

I hereby certify that an original of the Petition for Intervention, dated March 13, 2019, filed in PUC Docket TC19-004 was served upon the PUC electronically, directed to the attention of:

Ms. Patty Van Gerpen, Executive Director  
South Dakota Public Utilities Commission  
500 East Capitol Avenue  
Pierre, SD 57501  
[patty.vangerpen@state.sd.us](mailto:patty.vangerpen@state.sd.us)

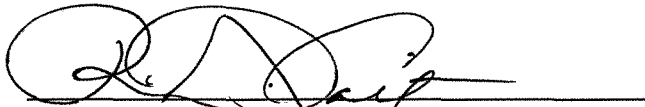
A copy was also sent by e-mail and/or US Postal Service First Class mail to each of the following individuals:

Ms. Amanda Reiss  
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Dated this ~~13<sup>th</sup>~~ day of March, 2019



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