

April 18, 2019

Public Utilities Commission
Capitol Building, 1st floor
500 E. Capitol Ave.
Pierre, SD 57501-5070

Re: Amended Application of LTE Wireless Inc.
Docket No. 19-005

Dear Sir or Madam:

Pursuant to response to staff data request, attached for filing with the South Dakota Public Service Commission ("Commission") is an Amended CPCN Application filed on behalf of LTE Wireless Inc. in the above referenced matter. This filing seeks to amend the application to correct and clarify the Application. The attachments remain the same and are therefore not resubmitted at this time.

Questions and communications regarding this matter should be addressed to the undersigned.

Many regards.

/S/ Dana Hoyle

Dana Hoyle
Regulatory Consultant for LTE Wireless Inc.
(817) 724-2125

Attachment

**BEFORE THE
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

In the Matter of the Application of)
LTE Wireless Inc.)
for a Certificate of Authority to Provide) Docket No. TC19-005
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, LTE Wireless Inc. (“LTE Wireless” or “Applicant”), by undersigned representative and pursuant to Commission staff request, hereby submits this 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, LTE Wireless Inc. 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:

Dennis Morrissey, Vice President of Operations
LTE Wireless Inc.
5421 W. 41st Street
Sioux Falls, SD 57106
(877)388-2232 ext. 3470
info@ltewireless.com
Web Page URL: ltewireless.com

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

Applicant is a domestic South Dakota corporation. It has no affiliates and no parent company.

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

LTE Wireless Inc, will provide local exchange services only under its legal name, “LTE Wireless Inc.”

- (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:**

LTE Wireless’ principal office in the State of South Dakota is:

Dennis Morrissey, Vice President of Operations
LTE Wireless Inc.
5421 W. 41st Street
Sioux Falls, SD 57106
(877)388-2232 ext. 3470’
info@ltewireless.com

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

Person Enterprises, LLC
326 N Madison
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 LTE Wireless’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 is a new entity that is currently seeking authority in six jurisdictions.

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

Not Applicable. Applicant has no affiliates and no parent company.

(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:

Upon initiation of service in South Dakota, LTE Wireless proposes to offer facilities-based and local exchange services, by leasing local services utilizing unbundled network elements ("UNEs") and/or UNE equivalents. These services will be provided through Commission Approved interconnection agreements. Such services will be provided by leasing the facilities of incumbent local exchange carriers ("ILECs"). The Applicant has no plans to install duplicative facilities in the State of South Dakota. Notwithstanding, the Applicant seeks facilities-based authority so that it may be able to lease network elements of the ILEC. Applicant will order and manage leased facilities through the incumbent local exchange carrier. Additionally, when the services rendered grow to certain capacity, Applicant will be required to invest in certain facilities, such as switching equipment. Therefore, Applicant respectfully requests approval of facilities-based authority.

The Applicant seeks authority to offer all forms of local exchange telecommunications services including:

A. Local Exchange Services that will enable customers to originate and terminate local calls in the local calling area served by other ILECs, including dial tone and custom calling features.

B. Switched local exchange services, including basic service, trunks, carrier access, and any other switched local services that currently exist or will exist in the future.

C. Non-switched local services (e.g., private line) that currently exist or will exist in the future.

D. Centrex and/or Centrex-like services that currently exist or will exist in the future.

E. Digital subscriber line, ISDN, and other high capacity services. Applicant will rely upon the ILEC and other carriers for the provision and access to emergency services (911 or E911), operator services, interexchange services, directory assistance,

F. LTE Wireless will rely upon the ILEC and other carriers for the provision and access to emergency services (911 or E911), operator services, interexchange services, directory assistance, and telecommunications relay services.

(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 initiate its operations as soon as practical upon approval of this Application. Additionally, initiation of its operations will first require successful negotiation of interconnection agreements with ILECs, including successful completion of the installation and/or procurement of any facilities needed to offer services in the State of South Dakota. The timing needed to complete such actions may vary, thus no firm timeline has yet been established.

(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 Applicant provides its services using the 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:

LTE Wireless proposes to offer local exchange telecommunications services primarily to business customers in the state of South Dakota. Applicant proposes to offer local exchange service and VoIP services.

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

Applicant intends to provide local exchange services throughout the State of South Dakota in the areas served by any ILECs in South Dakota that are not eligible for a small or rural carrier exemption pursuant to Section 251 (f)(1) of the Federal Act. LTE Wireless does not seek to provide services to customer in those small or rural territories.

(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:

(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.

The Vice President of Operations of LTE Wireless has telecommunications business technical and managerial expertise. Since LTE Wireless will be utilizing leased elements and resold service, LTE Wireless will also rely upon the managerial and technical expertise of the incumbent local exchange carriers and facilities-based interexchange carriers which have been certified and deemed technically and managerially able to provide telecommunications services by the Commission. The relevant operational experience of Applicant's key management is attached as Exhibit B.

(c) 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. Should any facility and equipment maintenance be necessary, LTE Wireless will retain personnel as necessary in the state to address any issues regarding installation and repair as they arise. LTE Wireless pledges to comply with all applicable Commission quality of service requirements. LTE Wireless's Toll-Free Number is 1-877-388-2232 and its email is info@ltewireless.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:

LTE Wireless will rely upon ILEC other carriers for the provision and access to emergency services (911 or E911), operator services, interexchange services, directory assistance, and telecommunications relay services.

(12) 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:

As a new entity, LTE Wireless does not yet have historical financials. Please see Exhibit C attached hereto for a copy of Applicant's Three-Year projections.

(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:

LTE Wireless 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:

LTE Wireless intends to market its services primarily to small and mid-sized businesses. All sales personnel will have telecommunications service experience. Applicant will market through direct sales by employees and agents. Applicant does not intend to engage in multilevel marketing. Applicant's marketing materials are currently being developed and are not available at this time. but all information regarding such services, including the applicable rates, terms, and conditions, can be found on the Applicant's website: ltewireless.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:**

LTE Wireless 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:**

As of the date of this filing, LTE Wireless is registered in North Dakota to provide telecommunications services. As a new company, LTE Wireless is filing applications in Colorado, New York, South Dakota, Utah and Washington. Notwithstanding, LTE Wireless has never been denied a registration or certification in any state in which it has applied to be a provider of telecommunications services.

- (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:**

LTE Wireless' contact for complaints and regulatory matters is:

Dennis Morrissey, Vice President of Operations
LTE Wireless Inc.
5421 W. 41st Street
Sioux Falls, SD 57106
(877)388-2232 ext. 3470
info@ltewireless.com

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

The Applicant's customers will be direct billed utilizing "real-time" completed call detail information from Applicant's underlying carriers. Applicant will bill on a monthly basis. Applicant's bills will include call detail information, and separate line items for all services and charges, including any monthly recurring charges, onetime charges, taxes or surcharges.

(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:

LTE Wireless will not submit a change order for local exchange or intrastate toll service until LTE Wireless has obtained the customer's written authorization to submit the order which includes the following information from the customer: 1) The customer billing name, billing telephone number and billing address and each telephone number to be covered by the change order; 2) The decision to change; and 3) The customer's understanding of the change fee, if any.

(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 LTE Wireless 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:**

The Applicant will make available to any person information concerning the Applicant's current rates, terms, and conditions for all its telecommunications services through a toll-free telephone number, or through the Applicant's web site.

- (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:**

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 through either a message in the bill, or a bill insert. The notification will be made at least thirty days in advance of the change.

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

LTE Wireless is not currently requesting a waiver at this time.

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

Federal Tax Identification Number: 82-5238096

South Dakota Sales Tax Number: 1034-0594-ST

- (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.**

LTE Wireless will provide the Commission any additional information required to process this Application.

WHEREFORE, on the basis of the information provided in the Application and Exhibits LTE Wireless Inc. respectfully requests that the Commission grant this application. LTE Wireless Inc. will comply with all requirements applicable to the provision of communications services.

Respectfully submitted by:

/S/ Dennis Morrisey

Dennis Morrisey, Vice President of Operations

LTE Wireless Inc.

Physical Address:

5421 W. 41st Street

Sioux Falls, SD 57106

(877)388-2232 ext. 3470

info@ltewireless.com

Dated: April 18, 2019