

**BEFORE THE
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

Application of)
)
Simwood Inc.)
) Docket No. TC19-_____)
for a Certificate of Authority to Provide)
Local Exchange and Interexchange)
Long Distance Services in the State of)
South Dakota)

APPLICATION

Simwood Inc. (“Simwood” or “Applicant”) by its undersigned counsel and pursuant to Sections 20:10:32:03 and 20:10:24:02 of the Administrative Rules of South Dakota, hereby applies for a certificate of authority from the South Dakota Public Utilities Commission (“Commission”) to provide local exchange services and interexchange long distance services in the state of South Dakota.

COMPETITIVE LOCAL EXCHANGE SERVICES

Simwood submits the following information in support of this Application for local exchange services:

(1) The applicant’s name, address, telephone number, facsimile number, web page URL, and E-mail address:

Simwood Inc.
5016 Spedale Ct., Ste 306
Spring Hill, TN, 37174
Telephone number: (833) 857-2360
Fax number: (833) 857-2362
Website address: <https://simwood.com/>
E-mail address: thomas.hadden@simwood.com

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

Applicant is a Wyoming corporation. A copy of Applicant's articles of incorporation is attached as Exhibit A. Applicant's current organizational chart is attached as Exhibit B.

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

Applicant will provide services under the name Simwood 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:

Applicant does not have a principal office in South Dakota. The name and address of Applicant's current registered agent is:

Cogency Global Inc.
326 N Madison Ave.
Pierre, SD 57501-2629

(5) A copy of the applicant's certificate of authority to transact business in South Dakota from the secretary of state:

A copy of Applicant's certificate of authority to transact business in South Dakota 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 telecommunications services in South Dakota. Applicant is authorized to provide international 214 services by the FCC. Applicant has been authorized to provide competitive local and interexchange service in the states of Kentucky, Missouri, Montana, North Dakota, Oregon, Texas, and Wisconsin. Applicant has pending applications to provide competitive local and interexchange service in the states of Arkansas, California, Colorado, Florida, Idaho, New York, West Virginia, and Wyoming.

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

Applicant is the wholly-owned subsidiary of:

Simwood Group, PLLC
Simwood House
CubeM4 Business Park, Old Gloucester Road
Bristol BS16 1FX, United Kingdom

Applicant's affiliates are:

Simwood eSMS Limited
Simwood House
CubeM4 Business Park, Old Gloucester Road
Bristol BS16 1FX, United Kingdom

Birchills Telecom Limited
Simwood House
CubeM4 Business Park, Old Gloucester Road
Bristol BS16 1FX, United Kingdom

Sipcentric LTD
Simwood House
CubeM4 Business Park, Old Gloucester Road
Bristol BS16 1FX, United Kingdom

(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 serve business and enterprise customers.

(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 practicable upon grant of this Application through all methods described above: the use of its own facilities, the purchase of unbundled network elements, or resale. Initiation of certain operations will first require negotiation of interconnection agreements with other service providers. As the time periods required to complete such negotiations may vary, a firm timeline for the initiation of service has not 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:

Applicant does not currently own facilities or property in South Dakota. Applicant owns switching facilities elsewhere in the country that can be used to service South Dakota customers. Applicant intends to collocate switching facilities in each LATA within South Dakota. To facilitate deployment of services, Applicant intends to enter into interconnection agreements and/or other agreements with other service providers as permitted under the federal Telecommunications Act of 1996, 47 U.S.C. § 251(c).

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

Applicant will provide local access telecommunications service (local exchange) as well as 1+ Service (long distance or interexchange service) to business/enterprise customers. Service will be provided by resold services or a combination of resold services, lease of unbundled network elements (UNEs) provided by other carriers through interconnection or commercial agreements, and use of Applicant's own switching facilities.

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

Applicant proposes to offer services throughout the state of South Dakota in all exchanges to the extent open to competition.

(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 is technically and managerially qualified to provide services in South Dakota. Thomas Hadden, COO, will oversee Applicant's operations in South Dakota. As seen in his

biography, Mr. Hadden has more than 25 years of experience in the telecommunications industry. A description of the professional background and experience of Simwood's key managerial and technical staff is attached as Exhibit D.

(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:

Business and enterprise customers seeking services will sign individual-case-based contracts that will govern the customer support received. Customers may initiate trouble tickets through online customer service or by calling customer support at (833) 857-2360. Customer service operates during normal business hours, and customers may leave messages during non-business hours.

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

(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:

Applicant Simwood Inc. is a wholly owned subsidiary of Simwood Group PLC. While the parent company Simwood Group PLC has audited financial statements, the subsidiary (Simwood Inc.) does not have separate audited financial statements. See attached Confidential Exhibit E which contains Simwood Group PLC's audited financial statement including a balance sheet and

income statement for the 12-month period ending November 30, 2018. The audited financial statements for Simwood Group PLC's fiscal year ending November 3, 2019, are not yet available.

(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 has not yet identified which local exchange carriers it will interconnect with in order to provide its services. Applicant will enter into interconnection agreements with other certificated LECs as Customer demand warrants.

(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 interconnection negotiations and initiate interconnection service as soon as possible, though firm timelines have not yet been established.

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

Applicant has not yet made requests for interconnection to any local exchange carriers.

(14) A description of how the applicant intends to market its 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:

Marketing is done directly with representatives of potential clients on a person-to-person basis based on prior industry relationships. The target market is large enterprise customers. Applicant does not engage in multilevel marketing. Applicant has no applicable brochures.

(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:

This Question is not applicable to the services that Applicant will provide. Applicant will not provide local exchange service in the 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:

Applicant is authorized to provide international 214 services by the FCC. Applicant has been authorized to provide competitive local and interexchange service in the states of Kentucky, Missouri, Montana, North Dakota, Oregon, Texas, and Wisconsin. Applicant has pending applications to provide competitive local and interexchange service in the states of Arkansas, California, Colorado, Florida, Idaho, New York, West Virginia, and Wyoming. Applicant has never been denied registration or certification in any state. Applicant is in good standing with the appropriate regulatory agencies in the states where it is authorized to provide service.

(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:

Thomas Hadden, Chief of Operations
5016 Spedale Ct. Ste. 306.
Spring Hill, TN 37174
(833) 857-2360
(833) 857-2362
thomas.hadden@simwood.com

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

Applicant's customers will be billed in accordance with the terms of their individually negotiated contracts. Applicant will perform its own billing and collecting activities and will not rely on a third-party vendor.

(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 and interexchange customers by the applicant, its employees, or agents:

Applicant utilizes a direct sales approach to its marketing efforts. Applicant does not utilize any form of multilevel marketing in the sale of its services. Applicant uses written or electronic Letters of Authorization 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:

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:

As noted above, Applicant will provide long distance voice toll services and local exchange voice dial tone services to business and enterprise customers. The rates, terms, and conditions for Applicant's services will be set forth in individually-negotiated contracts with Applicant's 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 business and enterprise customers of any materially adverse changes to the rates, terms, and conditions of Applicant's services pursuant to the terms of their individually negotiated contracts which will include provisions for 30 days' notice in advance of material adverse changes.

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

No waiver is requested.

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

Applicant's federal tax identification number is 36-4876392. Applicant's South Dakota sales tax number will be obtained upon commencing services in South Dakota.

(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:

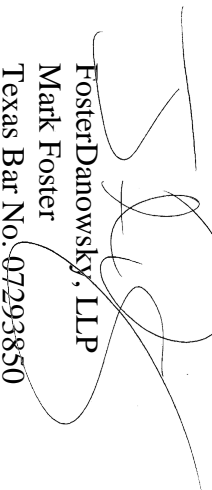
Applicant's participation in the market for local exchange and interexchange telecommunications services in South Dakota will promote consumer choice by expanding the ability of innovative, high quality, reliable and competitively priced telecommunications services. The granting of this Application will have the effect of increasing competition and, as a result, may compel other local telecommunications providers to improve their existing services, increase the quality and efficiency of their operations, and introduce innovative new services of their own. Moreover, the addition of the Applicant to the South Dakota local telecommunications market makes it likely that consumers of telecommunications services in South Dakota will receive the

benefits of downward pressure on prices, improved customer responsiveness and access to increasingly advanced telecommunications technology. Applicant's participation in the market will expand service options for customers in South Dakota, and will increase and facilitate competition in South Dakota by expanding the diversity of suppliers within the telecommunications marketplace.

CONCLUSION

Accordingly, Applicant respectfully requests that the Commission grant this Application expeditiously and issue a certificate of authority for Applicant to provide local exchange and long-distance service throughout the State of South Dakota.

Respectfully submitted,



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Austin, TX 78701

(512) 708-8700

(512) 697-0058/fax

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2020, a copy of the foregoing Application of Simwood Inc. for a Certificate of Authority to Provide Local Exchange and Interexchange Long Distance Services in the State of South Dakota was served by first-class mail, postage prepaid, to the certificated local exchange carriers identified on the list of competitive local exchange carriers as identified on the South Dakota Public Utilities Commission website, dated December 10, 2019, and the independent local exchange carriers dated November 9, 2018.

Respectfully submitted,



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