

20:10:24:02. Certificate of authority for interexchange service -- Application requirements. Each telecommunications company required to apply for a certificate of authority with the commission pursuant to SDCL 49-31-3 for interexchange service shall provide the following information with the company's application unless the commission grants a waiver to omit a specific item of information:

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

Spectrotel of the West LLC
3535 State Highway 66, Suite 7
Neptune, NJ 07753
Telephone: 732-345-7000
Facsimile: 732-345-7893
Web Page: www.spectrotel.com
Email: dzahka@spectrotel.com

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

Applicant is a Limited Liability Company. Please see Attachment I.

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

Applicant will provide services under the name shown in Question 1.

(4) A copy of the applicant's certificate of authority to transact business in South Dakota from the Secretary of State;

Please see Attachment II.

(5) 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;

COGENCY GLOBAL INC.
326 N. Madison Ave.
Pierre, SD 57501

(6) A list and specific description of the telecommunications services the applicant intends to offer;

Applicant intends to provide resold interexchange services to business and enterprise customers.

(7) A detailed statement of how the applicant will provide its services;

Applicant will provide its interexchange services by reselling services of underlying interexchange carriers.

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

Applicant will offer its interexchange services statewide.

(9) For the most recent 12 month period, financial statements of the applicant including a balance sheet, income statement, and cash flow statement. The applicant shall provide audited financial statements, if available;

Applicant does not have audited financial statements. The 2019 financial statements of its ultimate parent, Spectrotel, Inc. are provided as Attachment III, for which the Applicant is requesting confidential treatment

(10) The names, addresses, telephone number, facsimile number, E-mail address, and toll free number of the applicant's representatives to whom all inquiries must be made regarding complaints and regulatory matters and a description of how the applicant handles customer service matters;

Customer complaint resolution:

Ken Gilbertson

3535 State Highway 66, Suite 7

Neptune, NJ 07753

kgilbertson@spectrotel.com, 732-345-7859

Director of Customer Support

Regulatory matters:

Rebecca Sommi

3535 State Highway 66, Suite 7

Neptune, NJ 07753

rsommi@spectrotel.com, 732-345-7997

VP of Vendor Management

Applicant is responsible for all customer inquiries and complaints. The telephone number for customer inquiries and complaints is provided by Spectrotel on the customer bill. Spectrotel's Customer Service department may be accessed through a toll-free number: (888) 773-9722. Customer service is available seven days a week, twenty-four hours a day.

(11) Information concerning how the applicant plans to bill and collect charges from customers;

Applicant will bill customers directly for its services on a monthly basis. All billing statements will list the Applicant's name, address and customer service toll free telephone number for customer inquiries or concerns. Customer payments will be made directly to the Applicant and the Applicant will have no payment centers in South Dakota.

(12) 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 interexchange customers;

Spectrotel utilizes a direct sales approach to its marketing efforts. The Company does not utilize any form of multilevel marketing in the sale of its services. The Company uses a written LOA to prevent the unauthorized switching of interexchange customers.

(13) 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;

Information regarding applicant's rates, terms, and conditions will be available on Spectrotel's website located at www.spectrotel.com.

(14) 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;

Spectrotel will notify customers directly or via bill insert, thirty days in advance of the change, as warranted by the nature of the change.

(15) 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;

Spectrotel of the West LLC has authority to provide telecommunications services in Idaho, Oregon and Washington and has applied or will be applying for authority in Arizona, Colorado, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Utah, and Wyoming.

As described in the Applicant's Notice of Corporate Reorganization ("Notice") in this proceeding, Applicant's affiliate, Spectrotel, Inc., was granted a Certificate of Authority to provide Interexchange Long Distance Services and Local Services in South Dakota in Order No. TC11-081. Pursuant to an internal company reorganization that is described in the Notice, Spectrotel, Inc. seeks to transfer its customers to Spectrotel of the West LLC, and to simultaneously relinquish its certificate when Spectrotel of the West is granted a certificate. Spectrotel, Inc. has made or will make similar filings in the other states referenced above to transfer its customers to Spectrotel of the West LLC. Likewise, Spectrotel, Inc. has created other regional affiliated LLCs to which it intends to transfer its customers in other states as part of this corporate reorganization.

(16) A description of how the applicant intends to market its services, its target market, whether the applicant engages in any multilevel marketing, and copies of any company brochures used to assist in the sale of services;

The primary marketing channel for Spectrotel is via sales agents, direct mail and internet advertising. Its target market is medium to large business and enterprise customers.

(17) Federal tax identification number and South Dakota sales tax number;

**Federal Tax Identification Number: 85-1496556
South Dakota Sales Tax Number: 1024-8969-ST**

(18) The number and nature of complaints filed against the applicant with any state or federal regulatory commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered;

None.

(19) A written request for waiver of those rules the applicant believes to be inapplicable; and

Not applicable.

(20) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the interexchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

Following the proposed corporate reorganization, Spectrotel of the West will retain the same management team and operational methods as its predecessor, Spectrotel, Inc., which has been providing interexchange services in South Dakota since 2011.

The commission may require the production of audited financial statements and additional information to supplement that contained in the application. A company shall notify the commission of any changes in subdivisions (1), (3), (5), (8), and (10) of this section as they occur.

Source: 16 SDR 106, effective December 27, 1989; 21 SDR 81, effective November 3, 1994; 22 SDR 107, effective February 18, 1996; 25 SDR 89, effective December 27, 1998; 26 SDR 110, effective March 7, 2000; 34 SDR 67, effective September 11, 2007.

General Authority: SDCL 49-31-3.

Law Implemented: SDCL 49-31-3, 49-31-12.7.