

20:10:32:03. Certificate of authority for local exchange service -- Application requirements. A telecommunications company required to apply for a certificate of authority for local exchange services from the commission shall submit a written application and provide the following information 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 applicant will provide local exchange services if different than in subdivision (1) of this section;

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

(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;

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

(5) A copy of its certificate of authority to transact business in South Dakota from the secretary of state;

Please see Attachment II.

(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;

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 been providing local and interexchange services in South Dakota since 2011 and either directly or through affiliates, provides those services in 48 states and the District of Columbia. Following the proposed corporate reorganization, Spectrotel of the West will retain the same management team and operational methods as its predecessor, Spectrotel, Inc.

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

**Spectrotel, Inc.
Spectrotel Holding Company, LLC
Spectrotel of New York, LLC
Spectrotel of Virginia, LLC
Spectrotel of New Jersey, LLC
Spectrotel of Pennsylvania, LLC
Spectrotel of Maryland, LLC
Spectrotel of Alabama, LLC
Spectrotel of New England, LLC
Spectrotel of Florida, LLC
Spectrotel of California, LLC
Spectrotel of Texas, LLC
Spectrotel of the West, LLC
Spectrotel of the South, LLC
Spectrotel of the Midwest, LLC
Spectrotel of the East, LLC
Spectrotel of Canada, LLC**

Spectrotel, Inc. is the ultimate parent company of all of these entities and is 100% owned by Jack Dayan.

**Spectrotel's principal office is located at:
3535 State Highway 66, Suite 7
Neptune, NJ 07753**

(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;

Spectrotel will provide local exchange services and interexchange services to business and enterprise customers using the facilities of underlying carriers, such as CenturyLink.

(b) Information indicating the extent to and timeframe by which applicant will provide service through the use of its own facilities, the purchase of unbundled network elements, or resale;

Spectrotel, Inc., Applicant's predecessor, provides local service using unbundled network combinations available from the incumbent local exchange company (ILEC) and via resold services. Interexchange toll services are provided via resale. Spectrotel of the West, LLC intends to continue to operate in the same manner.

(c) A description of all facilities that the applicant will utilize to furnish the proposed local exchange services, including any facilities of underlying carriers; and

Applicant will offer service through interconnected and commercial agreements utilizing the facilities of CenturyLink, the incumbent local exchange company. Spectrotel will rely on its facilities-based underlying carrier for the operation and maintenance of the local exchange network.

(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 telephone exchange service and interexchange long distance service to both business and enterprise customers.

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

Applicant will provide local exchange services in areas served by CenturyLink, but seeks statewide local authority, except in areas served by rural companies.

(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; and

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. Please see Attachment III for biographies of key management.

(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;

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 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 provide access to these services in the same manner that Spectrotel, Inc. currently does through resale, interconnection, and commercial agreements with the underlying ILEC. Under such agreements, Spectrotel customers are able to access emergency services such as 911 or enhanced 911. Such calls are routed through the underlying carrier to the appropriate emergency agency serving the originating location. Access to local operator services, directory assistance and telecommunications relay services will also be made available in the same manner as they currently are.

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

(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 plans to request CenturyLink to assign its existing interconnection and commercial agreements from Spectrotel, Inc. to Spectrotel of the West LLC.

(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; and

Upon the Commission's approval of this request.

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

Applicant has not yet requested the assignment of its agreements but will do so after approval of this filing.

(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;

The primary marketing channel for Spectrotel is via sales agents, direct mail, and internet advertising.

(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;

Applicant is not seeking authority to provide local exchange service in the service area of rural telephone companies.

(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;

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.

Applicant has not been denied any registration or certification in any state.

(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;

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

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

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.

(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;

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 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;

None.

(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;

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

(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;

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

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

Not applicable.

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

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

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 local 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), (4), and (17) of this section as they occur.

Source: 25 SDR 89, effective December 27, 1998; 26 SDR 110, effective March 7, 2000; 34 SDR 67, effective September 11, 2007.

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-12.7, 49-31-69, 49-31-76.