

**Before the
South Dakota Public Utilities Commission
Pierre, South Dakota 57501**

In the Matter of the Application of)
Celerity Networks LLC)
for a Certificate of Authority to) TC21- _____
Provide Local Exchange)
Telecommunications Services in the)
State of South Dakota)

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, Celerity Networks LLC (“Celerity Networks,” or “Applicant”) hereby submits this Application to provide local exchange telecommunications services in the State of South Dakota (“Application”). At this time, Applicant only seeks a Certificate to provide facilities-based and resold local exchange telecommunications services that do not require an interconnection agreement in the State of South Dakota. Therefore, Applicant does not seek to provide switched access services. Applicant does not intend to provide other retail voice services.

Pursuant to S.D. Codified Laws § 49-31-76 and S.D. Admin. R. 20:10:32:03, Celerity Networks 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:

Celerity Networks LLC
P.O Box 547
Spearfish, SD 57783
Phone: (605) 340-0641
Fax: n/a
Website: <https://www.celerityinternet.com>
Email: admin@celeritycorp.net

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

Applicant is a South Dakota Limited Liability Company.

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

Celerity Networks will provide local exchange services only under the name “Celerity Networks.”

(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’s principal office in South Dakota is:

909 Thompson St
Whitewood, SD 57793

Applicant’s non-commercial registered agent’s address is:

P.O. Box 547
Spearfish, SD 57783

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

A copy of Applicant’s certificate of organization 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:

Celerity Networks began offering consulting services to ISP's and WISPs in network design and best practices in 2011. In early 2012 Applicant began the deployment of WISP services in the Spearfish, South Dakota area. With its first tower deployed by the end of April 2012, Celerity Networks was able to begin servicing hundreds of rural residents with high-speed internet connectivity with performance equal to and, in some cases, better than DSL/cable service. Applicant now serves approximately 1500 customers in South Dakota and Wyoming.

In addition to South Dakota, Celerity Networks is in the process of obtaining authorization to provide intrastate telecommunications services in Wyoming.

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

Arizona Network LLC
633 E Ray Rd., Suite 113
Gilbert AZ, 85296

Celerity Broadband LLC
PO Box 308
Pierre, SD 57501

TREPIC Networks
PO Box 9305
Chandler Heights, AZ 85127

(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:

Celerity Networks intends to provide service to residential and business customers. Celerity Networks does not have current plans to provide switched voice local services or switched voice interexchange services to customers in South Dakota.

(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:

Celerity Networks intends to provide service as soon as possible following certification.

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

Celerity Networks will utilize its own fiber optic cable and associated electronics and wireless facilities that will be installed and owned in South Dakota. If and when necessary, Celerity Networks may utilize the facilities of other carriers.

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

Celerity Networks intends to provide gigabit broadband service to residential and enterprise customers in South Dakota. Celerity Networks' service will enable voice, data, Internet access, video streaming and other advanced communications services. To the extent Celerity Networks provide voice services, such services will be provided predominately via VoIP. As noted, at this time, Celerity Networks does not have plans to provide switched voice services, including switched access services.

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

Celerity Networks seeks authority to provide local exchange service in the entire 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:

Celerity Networks has the technical and managerial qualifications necessary to provide the proposed services in its service territory. Attached as **Exhibit C** are the biographies of Applicant's key management and technical personnel. These biographies reflect that the Applicant possesses significant technical and managerial expertise for operating a telecommunications company – consistent with the Commission's requirements.

(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 will maintain a telephone 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.

Telephone Number: (605) 340-0641

Email: support@celeritycorp.net

(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:

Celerity Networks will not be providing traditional switched local exchange services or dial tone services within South Dakota. Therefore, Applicant will not have any interaction with emergency services such as 911 or enhanced 911, operator services, interexchange 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:

Please see CONFIDENTIAL Exhibit B attached hereto for a copy of Applicant's most recent financial statements. Applicant requests these financial statements remain confidential.

(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:

Celerity Networks' proposed services currently do not require interconnection with local exchange carriers.

(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:

Celerity Networks' proposed services currently do not require interconnection with local exchange carriers. Therefore, Applicant does not anticipate initiation of interconnection services in the immediate future.

(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:

Celerity Networks will utilize primarily digital marketing (web or social media ads) and occasional postcards via U.S. Mail. Ads will be straightforward, indicating service provided and clear rates for services. Applicant will not engage in multilevel marketing and doesn't have a brochure to provide.

(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:

To the extent Celerity Networks provides service in the area of a rural telephone company, any telecommunications service provided by Celerity Networks would not be considered to be local exchange services (i.e. calls to/from the local exchange would be considered long-distance). Applicant also does not seek status as an Eligible Telecommunications Carrier as described in § 20:10:32:15 of the S.D. Admin. Rules. In the future, if Applicant chooses to provide telephone local exchange services or local switched access services within any area served by a rural telephone company, Applicant will seek permission from the Commission in another proceeding before providing local service in that rural service area pursuant to 47 U.S.C. § 253(f). Applicant does not seek to affect the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f).

(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 not registered or certified to provide telecommunications services in any jurisdiction. Applicant is currently applying for authority to provide telecommunications services in Wyoming. Celerity Networks has not been denied 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:

Celerity Networks' contact for complaints is:

Jesse DuPont, General Manager
Celerity Networks LLC
P.O Box 547
Spearfish, SD 57783
Phone: (605) 340-0641
Fax: n/a
Email: support@celeritycorp.net

Applicant's contact for regulatory matters is:

Jesse DuPont
Celerity Networks LLC
P.O Box 547
Spearfish, SD 57783
Phone: (605) 340-0651
Alternate Phone:(605) 340-0651
Fax: n/a
Email: regulatory@celeritycorp.net

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

Celerity Networks will bill ahead for flat rate local exchange services and in arrears for post-usage metered services. In general Applicant's services will be flat-rate.

(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:

As previously noted, Applicant will not be providing traditional switched local exchange services or pre-subscribed services. Applicant intends to solicit customers for its services from its existing customer base and through business-to-business marketing efforts, including digital (web and social media) and sometimes postcards sent via U.S. Mail. In general, Applicant will only offer exchange services in conjunction with its broadband services. Applicant will not engage in multilevel marketing. Applicant does not have marketing brochures that it will use to assist in the sales of the services.

(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 Celerity Networks 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:

Information concerning Applicant's current rates, terms, and conditions for all of its telecommunications services will be available on its website: www.celerityinternet.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:

Notice of any materially adverse change to any rate, term, or condition of any telecommunications service offered by Celerity Networks to customers in the State of South Dakota will be provided in writing via U.S. mail or electronic mail or other electronic

communications means to customers at least thirty (30) days prior to the effective date of the change.

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

Because Applicant will not be providing traditional switched local exchange voice services to end users, Applicant respectfully requests a waiver of S.D. Admin. Rule 20:10:32:10, which requires that South Dakota local exchange carriers make the following services available to their customers (1) access to the public switched telephone network; (2) access to emergency services such as 911 or enhanced 911; (3) access to a local directory and directory assistance; (4) access to operator services; (5) telecommunications relay service capability or access necessary to comply with state and federal regulations; (6) non-published service upon written request or verbal request of the customer; and (7) access to interexchange services.

The requested waiver is not contrary to universal service, public safety, and welfare or quality of service because Applicant's networks are fully compatible with these services and, indeed, can enable voice services that provide this functionality. Further, the requested waiver is in the public interest because granting this Application will enable Celerity Networks to deploy high-speed broadband services to facilitate delivery of voice, data, Internet access, streaming video and other advanced communications services. The importance of high-speed, fiber-optic networks like Celerity Networks' and the advanced communications services provided over such networks is increasingly important for remote students, employees, small business owners, teachers and medical professionals.

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

Federal Tax Identification Number: 45-2974285

South Dakota Sales Tax Number: 1025-8942-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:

Celerity Networks will provide any additional information in response to specific inquiries from the Commission.

CONCLUSION

WHEREFORE, Celerity Networks LLC respectfully requests that the Commission grant it authority to provide local exchange services throughout the entire state of South Dakota – in those areas open to competition.

Respectfully submitted,

/s/ Michael P. Donahue

Michael P. Donahue
Michal J. Nowicki
Marashlian & Donahue, PLLC
1430 Spring Hill Road, Suite 310
McLean, VA 22102
Tel: (703) 714-1319
Fax: (703) 563-6222
Email: mpd@commlawgroup.com
mjn@commlawgroup.com

Counsel for Celerity Networks LLC

Dated: December 20, 2021