

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE APPLICATION OF)
CELERTY NETWORKS, LLC FOR A CERTIFICATE)
OF AUTHORITY TO PROVIDE LOCAL EXCHANGE) TC21-125
TELECOMMUNICATIONS SERVICES IN THE)
STATE OF SOUTH DAKOTA)**

JOINT STIPULATION

The parties in the above captioned proceeding, the South Dakota Telecommunications Association (“SDTA”) and Celerity Networks, LLC (“Celerity”) (collectively, the “Parties”), through their respective counsel and/or authorized representatives, submit this Joint Stipulation as a resolution of all pending issues related to the Celerity Application for a Certificate of Authority (the “COA Application”) in the above-captioned docket. Through execution of this document, each of the parties agrees to the following terms:

1. Celerity filed a COA Application with this Commission on December 20, 2021.
2. SDTA filed for and was granted Intervener Status on January 18, 2022.
3. Upon the Commission’s approval of this Stipulation or incorporation of the terms of this Stipulation into a Commission Order, the concerns of SDTA which are the basis for its intervention in the above-referenced dockets shall be deemed fully satisfied, and SDTA shall not oppose Celerity’s COA Application.
4. In exchange for SDTA’s agreement not to oppose Celerity’s COA Application, the Parties agree as follows:

- a. The Certificate of Authority, if granted by the Commission, should not permit Celerity to provide any telephone exchange services or switched access services within Rural Telephone Company service areas without having first received a local exchange certification from the Commission. For purposes of this Joint Stipulation, “Rural Telephone Company” shall be defined as in 47 U.S.C. §153(44)

- b. In the future, if Celerity intends to provide telephone exchange services or switched access services within any area served by a Rural Telephone Company, Celerity understands that it is required to come before the Commission in another proceeding to obtain certification. Pursuant to 47 U.S.C. § 253(f) the Commission may require a company to meet the requirements in 47 U.S.C. § 214(e)(1) before providing services in a Rural Telephone Company service area.
- c. The parties agree that if certification is granted to Celerity, according to these conditions and as specified herein, the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f) are not disturbed.

AGREED AND STIPULATED to this 7 day of February, 2022



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