

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

IN THE MATTER OF THE APPLICATION OF) CELERITY NETWORKS LLC FOR A) CERTIFICATE OF AUTHORITY TO PROVIDE) LOCAL EXCHANGE TELECOMMUNICATIONS) SERVICES IN THE STATE OF SOUTH DAKOTA))	ORDER GRANTING JOINT STIPULATION; ORDER GRANTING CERTIFICATE OF AUTHORITY TC21-125
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On December 20, 2021, the South Dakota Public Utilities Commission (Commission) received an application from Celerity Networks LLC (Celerity) for a Certificate of Authority to provide local exchange telecommunications service in South Dakota. Celerity's application seeks authority to provide local exchange services in the entire State of South Dakota in all exchanges open to competition.

On December 23, 2021, the Commission electronically transmitted notice of the filing and the intervention deadline of January 7, 2022, to interested individuals and entities on the Commission's PUC Weekly Filing electronic listserv. On January 11, 2022, Celerity filed its Letter Regarding Notice of Application and responded to Commission staff's first data request. On January 20, 2022, South Dakota Telecommunications Association (SDTA) was granted intervention. On January 27, 2022, Celerity filed its Letter regarding Clarification of its Application specifying Celerity's application only applied to its non-VOIP services. On January 31, 2022, Celerity responded to Commission staff's second data request. On February 8, 2022, SDTA and Celerity filed a Joint Stipulation.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3 and 49-31-69 through 49-31-75, and ARSD 20:10:24:02 and 20:10:32:03.

At its regularly scheduled meeting on February 18, 2022, the Commission considered this matter. Commission staff recommended approving the Joint Stipulation and granting a certificate of authority as it pertains to Celerity's non-VoIP services with the condition that, for its non-VoIP services, Celerity not offer any prepaid services, including prepaid calling cards, and not accept any deposits or advance payments without prior approval of the Commission, and be subject to rural safeguards.

The Commission finds that Celerity has met the legal requirements established for the granting of a certificate of authority. Celerity has, in accordance with SDCL 49-31-3 and 49-31-71, demonstrated sufficient technical, financial, and managerial capabilities to offer telecommunications services in South Dakota.

The Commission voted unanimously to grant the Joint Stipulation. The Commission further voted unanimously to approve Celerity's application for a certificate of authority subject to the conditions that, for retail purposes and for Celerity's non-VoIP services, Celerity does not offer any prepaid services, including prepaid calling cards, and not accept any deposits or advance payments without prior approval of the Commission and be subject to rural safeguards. The certificate of authority for Celerity shall authorize it to provide local exchange telecommunications

service in South Dakota, except in those areas served by a rural telephone company. In the future, should Celerity choose to provide local exchange services statewide, with respect to rural telephone companies, Celerity will have to come before the Commission in another proceeding before being able to provide local service in that rural service area pursuant to 47 U.S.C. § 253(f) which allows the Commission to require a company that seeks to provide service in a rural service area to meet the requirements in 47 U.S.C. § 214(e)(1) for designation as an eligible telecommunications carrier. In addition, the granting of statewide certification will not affect the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251 (f). It is therefore

ORDERED, that Celerity's request for approval of the Joint Stipulation is hereby granted. It is further

ORDERED, that, Celerity's request for a certificate of authority to provide non-VoIP local exchange services is hereby granted, subject to the conditions that, for retail purposes and for non-VoIP services, Celerity not offer any prepaid services, including prepaid calling cards, and not accept any deposits or advance payments without prior approval of the Commission, and be subject to rural safeguards. It is further

ORDERED, that this Certificate of Authority authorizes Celerity to offer its non-VoIP local exchange services in South Dakota, except in those areas served by a rural telephone company. It is further

ORDERED, that this order constitutes Celerity's Certificate of Authority as described above.

Dated at Pierre, South Dakota, this 24th day of February 2022.

<p align="center">CERTIFICATE OF SERVICE</p> <p>The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.</p> <p>By: <u>Adam DeHueck</u></p> <p>Date: <u>2/24/22</u></p> <p align="center">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner