

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

IN THE MATTER OF THE APPLICATION OF)	
BIF IV INTREPID OPCO LLC FOR)	
CERTIFICATES OF AUTHORITY TO)	ORDER GRANTING
PROVIDE LOCAL EXCHANGE AND)	CERTIFICATE
INTEREXCHANGE)	OF AUTHORITY; ORDER
TELECOMMUNICATIONS SERVICES IN)	ADOPTING JOINT STIPULATION;
THE STATE OF SOUTH DAKOTA)	ORDER GRANTING WAIVER
	TC22-055

On August 31, 2022, the South Dakota Public Utilities Commission (Commission) received an Application for Certificate of Authority to Provide Local Exchange and Interexchange Telecommunications Services in the State of South Dakota from BIF IV Intrepid OpCo LLC (Intrepid). Applicant seeks a certificate to provide local exchange telecommunications services that do not require an interconnection agreement. Applicant does not seek to provide switched access services. Applicant does not intend to provide other retail voice services. They intend to provide non interconnected services to enterprise customers on a wholesale basis and do not intend to directly serve residential customers. Intrepid proposes to build a fiber-based network in South Dakota, which it plans to construct to customer locations. Intrepid will provide services primarily using its own facilities.

On September 1, 2022, the Commission electronically transmitted notice of the filing and the intervention deadline of September 16, 2022, to interested individuals and entities on the Commission's PUC Weekly Filing electronic listserv. On September 15, 2022, the South Dakota Telecommunications Association (SDTA) filed a Petition to Intervene. On September 29, 2022, the Commission issued an Order Granting Intervention to SDTA. On November 7, 2022, SDTA and Intrepid filed a Joint Stipulation. On November 23, 2022, filed a letter indicating it had sent the CLECs notice of its application.

At its regularly scheduled meeting on December 20, 2022, the Commission considered this matter. Commission staff recommended granting a certificate of authority subject to the terms and conditions included in the Joint Stipulation and that the Commission grant Intrepid's request for a waiver of ARSD 20:10:32:10.

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. The Commission finds that Intrepid has met the legal requirements established for the granting of a certificate of authority. Intrepid 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 Intrepid's request for a waiver of ARSD 20:10:32:10 and approved Intrepid's application for a certificate of authority subject to the terms and conditions as set forth in the Joint Stipulation:

- a. The Certificate of Authority granted by the Commission should not permit Intrepid, or its successors, assigns or affiliates that have not first received a local exchange certification from the Commission. to provide any telephone exchange services (as defined in 47

U.S.C. §153(54) and SDCL 49-31-1(13)) or switched access services (as defined in SDCL 49-31-1(27) within Rural Telephone Company service areas. 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 Intrepid intends to provide telephone exchange services or switched access services within any area served by a Rural Telephone Company, Intrepid understands that it is required to come before the Commission in another proceeding. 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 the grant of statewide certification to Intrepid, according to these conditions and as specified herein 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 Intrepid's application for a certificate of authority to provide interexchange services is hereby granted, subject to the terms and conditions included in the Joint Stipulation. It is further

ORDERED, that Intrepid's request for a certificate of authority to provide local exchange services is hereby granted, subject to the terms and conditions included in the Joint Stipulation. It is further

ORDERED, that Intrepid's requests for a waiver of ARSD 20:10:23:10 is hereby granted. It is further

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

Dated at Pierre, South Dakota, this 21st day of December 2022.

CERTIFICATE OF SERVICE
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.
By: <u>Adam de Hueck</u>
Date: <u>12/21/22</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Commissioner

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner