

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

**IN THE MATTER OF THE REQUEST OF CLARITY)
TELECOM, LLC DBA BLUEPEAK FIBER FOR)
CERTIFICATION REGARDING ITS USE OF FEDERAL)
UNIVERSAL SERVICE SUPPORT (STUDY AREA: ILEC-)
391652 AND CLEC-399006))**

**ORDER GRANTING
CERTIFICATION**

TC23-038

On June 30, 2023, the South Dakota Public Utilities Commission (Commission) received an application from Clarity Telecom, LLC dba Bluepeak Fiber (Company) regarding its request for certification regarding its use of federal universal service support. The purpose of this filing was to provide information constituting the Company's plan for the use of its federal universal service support and to otherwise verify that the Company will use all federal universal service support received in a manner that is consistent with the federal universal service provisions of 47 U.S.C. § 254. Pursuant to 47 C.F.R. § 54.314(a), in order for an eligible telecommunications carrier (ETC) to receive support pursuant to the Federal Communications Commission's (FCC's) high-cost program, a state must file an annual certification with the Universal Service Administrative Company (USAC) and the FCC stating that all federal high-cost support provided to the ETC "was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended."

On July 13, 2023, the Commission electronically transmitted notice of the filing and the intervention deadline of July 21, 2023, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. No parties sought intervention. On August 10 and 28, 2023, the Company responded to staff's data requests. On September 14, 2023, the Company filed an updated Five-Year Plan and deployment maps.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31 and 47 U.S.C. § 254.

At its regularly scheduled meeting of September 22, 2023, the Commission considered this matter. The Commission finds that the Company is eligible to receive federal support. The Commission finds that all federal high-cost support provided to the Company was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. The Commission unanimously voted to approve the Company's request for certification. It is therefore

ORDERED, that the Company is eligible to receive federal support as all federal high-cost support provided to the Company was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. It is further

ORDERED, that the Commission hereby approves the Company's request for certification.

Dated at Pierre, South Dakota, this 25th day of September 2023.

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><i>Kristie Fiegen</i></u>
Date: <u>25 September 2023</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner