

**BEFORE THE
SOUTH DAKOTA PUBLIC SERVICE COMMISSION**

Application of EarthGrid PBC CORPORATION)
for Certificate of Authority for Local Exchange Service) Docket No. _____
in the State of South Dakota)

Application for the Certificate of Authority for Local Exchange Service

Pursuant to Rule **20:10:32:03** of the Commission's Telecommunications Services Rules, EarthGrid PBC CORPORATION (“EarthGrid” or “Applicant”) submits the following registration information:

- (1) **The applicant’s name, address, telephone number, facsimile number, web page URL, and E-mail address;**

EarthGrid PBC CORPORATION
1150 Brickyard Cove Road, Suite 300
Richmond, CA 94801
Telephone: 833-327-8441
Toll Free: 833-327-8441
Website: <https://www.earthgrid.io/>

- (2) **A description of the legal and organizational structure of the applicant's company;**

EarthGrid is a Delaware corporation incorporated on September 23, 2016. A copy of the Applicant's Articles of Incorporation and a copy of the certificate of authority to transact business in South Dakota from the Secretary of State is included as **Attachment I** to the application.

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

The Applicant will provide services under the name shown in Question 1.

- (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;**

EarthGrid PBC CORPORATION has no principal office in South Dakota.

The name and address of Applicant's current registered agent is:

Person Enterprises, L.L.C.
326 N Madison
Pierre, SD 57501

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

A copy of the EarthGrid's certificate of authority to transact business in South Dakota from the Secretary of State is included as **Attachment I** to the application.

- (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;**

EarthGrid will provide resold and facilities-based non-switched point-to-point local and interexchange telecommunications services to Wireless Service Providers (WSPs), other telecommunications carriers and communications providers, municipalities, tribal communities, and commercial customers.

EarthGrid is certificated in the following states indicated in **Attachment V**.

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

Not Applicable.

- (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;

EarthGrid seeks authority to provide resold and facilities-based non-switched point-to-point local and interexchange telecommunications services. These services will be offered to wholesale service providers, wireless service providers, other telecommunications carriers and communications providers, internet service providers, municipalities, tribal communities, data centers, and commercial customers. Residential users may also purchase services, but the high capacity nature of the initial offering is more suitable for commercial applications. EarthGrid does not have any current plans to provide switched voice or dial tone 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;

EarthGrid seeks authority to provide resold and facilities-based non-switched point-to-point local exchanges and interexchange via its own lit and dark fiber facilities and through interconnection and commercial agreements utilizing the facilities of its underlying carrier. and/or through resale arrangements.

Specific locations have yet to be identified and must be individually negotiated with property owners and rights-of-way must be obtained. Where new facilities need to be built, EarthGrid has access to technology for boring and placement of deep conduits for secure fiber facilities in difficult locations. These conduits will be designed for multiple uses and suitable for and available to providers of retail and wholesale power services, independent power producers, telecommunications carriers and/or other utilities.

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

Please see Response to (b) above. EarthGrid will not provide switched voice services or dial tone services within South Dakota.

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

EarthGrid will provide resold and facilities-based non-switched point-to-point local exchange and interexchange telecommunications services to Wireless Service Providers (WSPs), other telecommunications carriers and communications providers, municipalities, tribal communities, and commercial customers.

EarthGrid does not have any current plans to provide switched voice or dial tone services to customers in South Dakota.

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

EarthGrid requests authority to provide service throughout the state of South Dakota, excluding those areas served by a rural telephone company.

EarthGrid's service areas and exchanges will mirror those established its underlying carrier and EarthGrid concurs in the service maps of those carriers, as currently filed with the Commission and as subsequently redefined. For these reasons, EarthGrid requests that it be exempted from the requirement to provide a service area map in its filing.

- (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; and

EarthGrid has the managerial and technical qualifications necessary to provide the proposed services in South Dakota. EarthGrid's management team provide extensive telecommunications business, technical, an managerial expertise to EarthGrid. A copy of current resumes of EarthGrid management personnel is attached at **Attachment III**.

- (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;

EarthGrid is responsible for all customer inquiries and complaints. The telephone number for customer inquiries and complaints is provided by EarthGrid on the customer bill. EarthGrid Customer Service department may be accessed Toll Free 833-327-8441 for consumer complaints. Additionally, service requests can be sent to serviceissue@earthgrid.io. Customer service is available Monday through Friday from 9:00 AM to 5:00 PM.

- (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;**

EarthGrid will not be providing switched voice services or dial tone services within South Dakota.

- (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;**

EarthGrid has the financing and capital necessary to provide local exchange service resold and facilities-based local exchange services, as proposed in this Application. Attached hereto as **Attachment II**, is a copy of the Applicant's balance sheet.

- (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;

EarthGrid plans to enter into agreements with the prominent Local Exchange Carriers in the state in order to have a network which can best serve our customers. The agreements with carriers in the state have not yet been negotiated.

- (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; and

EarthGrid intends to begin interconnection negotiations as soon as possible, though firm timelines have not yet been established.

- (c) A copy of any request for interconnection made by the applicant to any local exchange carrier;

EarthGrid has not yet made requests for interconnection to any local exchange carriers.

- (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;**

EarthGrid will market its service in a targeted fashion, focusing on telecommunications carriers and large enterprise customers with the need for the Applicant's services. Applicant will not implement any multi-level marketing and has not yet produced any materials for marketing its services.

- (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;**

EarthGrid is not seeking to provide service in rural territories. However, if its customers require, it will comply with the regulatory requirements.

- (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;**

EarthGrid is certified to provide services in the following states: Alabama, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming. Applications are currently pending in: Arkansas, Connecticut, Kansas, Oklahoma, and Tennessee. The Applicant has never been denied registration or certification and is in good standing with all states in which it operates.

- (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;**

Scott Lane, Chief Operating Officer
EarthGrid PBC CORPORATION
2625 Alcatraz Avenue, Suite 111
Berkeley, CA 94705
Telephone: 833-327-8441
Email: compliance@earthgrid.io

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

EarthGrid will contract directly with its customers and customers will be billed in accordance with those independently negotiated contracts.

- (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;**

EarthGrid will market its services to eligible customers, consisting primarily of large enterprises and other telecommunications carriers. All new customers must enter into an independently negotiated contracts that will include terms preventing unauthorized switching of interexchange 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;**

EarthGrid has never had a complaint filed against it for the unauthorized switching of a customer's local exchange service.

- (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;**

EarthGrid will market to and contract directly with its customers. All information concerning EarthGrid's current rates, terms, and conditions will be provided to the customers in advance and set forth in the contracts.

- (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;**

All services will be provided pursuant to negotiated contracts and customers will be notified of changes to rates, terms and conditions, if any, pursuant to the terms set forth therein. EarthGrid's contracts will provide that notification of such changes will occur at least thirty days in advance of the change – all notifications will be made in accordance with South Dakota state requirements.

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

Applicant requests a waiver from ARSD 20:10:32:03(14) requiring cost support. The Company has addressed these issues in items 11 and 14.

Additionally, EarthGrid will not be collecting deposits for service within South Dakota. The company will post a surety bond payable to the Consumers of the State of South Dakota should they change their deposit policy in the future.

As Applicant will not be providing traditional switched local exchange and voice services to end users, Applicant respectfully requests a waiver of ARSD 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 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.

(24) **Federal tax identification number and South Dakota sales tax number; and**

EarthGrid Federal Tax Identification Number is 81-3940468. EarthGrid's South Dakota sales tax number will be obtained upon commencing services in South Dakota.

(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.**

Grant of this Application will further the public interest by expanding the availability to South Dakota business customers of technologically advanced telecommunications facilities and services. Most immediately, EarthGrid's presence in the market will afford these customers an additional choice of providers. The public will benefit directly through the use of the reliable, high-quality services offered by the Company. South Dakota customers will also benefit indirectly because the competitive quality of services offered by EarthGrid will challenge other telecommunications providers to operate more efficiently, offer more innovative services, set more competitive prices, and improve their overall quality of service. Ultimately, South Dakota customers will enjoy a measurably broadened selection of innovative, diversified, and reliable service offerings.

EarthGrid's operations will be overseen by a well-qualified management team with substantial telecommunications and technical expertise. Applicant will provide customers with high quality, cost effective, advanced technology and telecommunications services.

For the reasons stated above, EarthGrid respectfully submits that the public interest, convenience, and necessity would be furthered by grant of this Application for authority to provide resold and facilities-based local and interexchange telecommunications services.

WHEREFORE, on the basis of the information provided in the Application and Attachments EarthGrid PBC CORPORATION respectfully requests that the Commission grant this application, and such other relief as may be just and proper.



Troy Helming, Founder & CEO
EarthGrid PBC CORPORATION
1150 Brickyard Cove Road, Suite 300
Richmond, CA 94801

Dated:

11-29-2023