

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

<b>IN THE MATTER OF THE APPLICATION OF )</b>		
<b>EARTHGRID PBC CORPORATION FOR )</b>		<b>ORDER GRANTING</b>
<b>CERTIFICATES OF AUTHORITY TO PROVIDE )</b>		<b>CERTIFICATE OF</b>
<b>LOCAL EXCHANGE AND INTEREXCHANGE )</b>		<b>AUTHORITY; ORDER</b>
<b>TELECOMMUNICATIONS SERVICES IN THE )</b>		<b>GRANTING WAIVER</b>
<b>STATE OF SOUTH DAKOTA )</b>		
		<b>TC23-050</b>

On December 1, 2023, the South Dakota Public Utilities Commission (Commission) received a filing from EarthGrid PBC CORPORATION (EarthGrid) for a Certificate of Authority to provide local exchange and interexchange telecommunications services in the State of South Dakota. In its application, EarthGrid seeks a Certificate to provide local exchange and interexchange telecommunications services throughout South Dakota excluding the areas served by a rural telephone company. 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.

On December 7, 2023, the Commission electronically transmitted notice of the filing and the intervention deadline of December 22, 2023, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. No petitions to intervene or comments were filed. On December 18, 2023, EarthGrid filed a Notice of Application and Certificate of Service. On January 2, February 2, 2024, EarthGrid filed responses to Staff's data requests. On January 29, 2024, EarthGrid filed its South Dakota tax license. This docket was deferred at the February 20, 2024, Commission meeting. On March 14, 2024, EarthGrid filed an Amended Data Response in response to Commissioner questions at the February 20, 2024, Commission Meeting.

Commission staff recommended granting a certificate of authority with the conditions that, for retail purposes, EarthGrid not offer any prepaid services including prepaid calling cards and not accept or require any deposits or advance payments without prior approval of the Commission, and subject to rural safeguards. Staff also recommended the Commission waive 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 Chapters 20:10:24 and 20:10:32. The Commission finds that EarthGrid has met the legal requirements established for the granting of a certificate of authority. The Commission also finds that EarthGrid 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 approve EarthGrid's application for a certificate of authority subject to the conditions that, for retail purposes, EarthGrid not offer any prepaid services including prepaid calling cards and not accept or require any deposits or advance payments without prior approval of the Commission and be subject to rural safeguards. The Commission further voted unanimously to grant the waiver of ARSD 20:10:32:10, subject to the condition that EarthGrid not offer switched access services in the state without approval by the Commission and a reevaluation of the waiver. The certificate of authority for EarthGrid shall

authorize it to provide local exchange and interexchange telecommunications service in South Dakota, except in those areas served by a rural telephone company. In the future, should EarthGrid choose to provide local exchange or interexchange services statewide, with respect to rural telephone companies, EarthGrid 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 EarthGrid's requested waiver of ARSD 20:10:32:10 is hereby granted, subject to the condition that EarthGrid not offer switched access services in the state without approval by the Commission and a reevaluation of the waiver. It is further

ORDERED, that EarthGrid's application for a certificate of authority to provide interexchange services in South Dakota is hereby granted, subject to the conditions that, for retail purposes, EarthGrid not offer any prepaid services including prepaid calling cards and not accept or require any deposits or advance payments without prior approval of the Commission. It is further

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

ORDERED, that this certificate of authority authorizes EarthGrid to offer its local exchange and interexchange services in South Dakota, except in those areas served by a rural telephone company. It is further

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

Dated at Pierre, South Dakota, this 28th day of March 2024.

<b>CERTIFICATE OF SERVICE</b>
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>28 March 2024</u>

BY ORDER OF THE COMMISSION:

*Kristie Fiegen*

KRISTIE FIEGEN, Chairperson

*Gary Hanson*

GARY HANSON, Commissioner

*Chris Nelson*

CHRIS NELSON, Commissioner