

**BEFORE THE  
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

Application of Ubiquity South Dakota, LLC )  
for a Certificate of Public Convenience and )  
Necessity to Operate as a Facilities-Based )  
and Resale Interexchange Carrier of )  
Telecommunications Services in the )  
State of South Dakota )  
)

Docket No. TC 24-011

**APPLICATION OF UBIQUITY SOUTH DAKOTA, LLC**

Ubiquity South Dakota, LLC (“Ubiquity” or “Applicant”), by its undersigned counsel and pursuant to 20:10:24:02 of South Dakota Public Utilities Commission (“Commission”) Administrative Rules (S.D. Admin. Rules), applies for a Certificate of Authority (“Certificate”) to operate as a wholesale provider of interexchange services throughout the state of South Dakota. Applicant does not seek to provide retail voice telecommunications services nor switched access services. Applicant may seek interconnection agreements with incumbent local exchange carriers and wholesale telecommunications contracts to supplement Ubiquity’s ability to provide services.

The Applicant submits the following information in support of its request:

- 1. The applicant’s name, address, telephone number, facsimile number, web page URL, and email address;**

**Response:**

Ubiquity South Dakota, LLC  
121 W. Trade St. Suite 1275  
Charlotte, NC 28202  
Telephone Number: (847) 404-2067  
Web Page URL: [ubiquitygp.com](http://ubiquitygp.com)  
Email: [legal@ubiquitygp.com](mailto:legal@ubiquitygp.com)

- 2. A description of the legal organization structure of the applicant’s company;**

**Response:** Applicant is duly authorized limited liability company organized under the laws of Delaware. A copy of the Applicant's formation documents is attached as Exhibit A.

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

**Response:** Applicant will provide services under the name Ubiquity South Dakota, LLC

**4. A copy of its certificate of authority to transact business in South Dakota from the secretary of state;**

**Response:** Applicant's Certificate of Authority to transact business as a foreign limited liability company in South Dakota is attached as Exhibit B.

**5. The location of the applicant's principal office, if any, in this state and the name and the address of its current registered agent, if applicable;**

**Response:** Applicant does not maintain an office or personnel within the State of South Dakota. Responsibility for South Dakota operations will be handled by Applicant's current management team. Applicant's registered agent in South Dakota is:

Corporation Service Company  
503 South Pierre Street  
Pierre, SD 57501

**6. A list and specific description of the types of services the applicant seeks to offer;**

**Response:** Ubiquity's wholesale services will be offered to internet service providers who will in turn provide service to end users. Ubiquity provides open-

access networks allowing for multiple wholesale customers to utilize its network for providing broadband, VoIP and/or IPTV services to end user customers.

**7. A detailed statement of how the applicant will provide its services;**

**Response:** Ubiquity will provide intracity/intrastate services over its fiber optic network. The network will be designed in a hub and spoke configuration with fiber facilities installed from a central connection point to individual homes and small/medium businesses that other providers may use to provide end user services. This hub and spoke design provides redundancy and thereby increases reliability.

**8. A service area map or narrative description indicating with particularity the geographic area proposed to be served by the applicant;**

**Response:** Applicant seeks authority to provide its services throughout the State of South Dakota.

**9. For the most recent 12-month period, financial statements of the applicant including a balance sheet, income statement, and cash flow statement. The applicant shall provide audited financials, if available;**

**Response:** Applicant is submitting preliminary audited financials for parent company of Generate-Ubiquity Holdings, LLC. Please see Confidential Exhibit D Financials.

**10. The names, addresses, telephone numbers, facsimile number, E-mail addresses, and toll-free number of the Applicant's representatives to whom all inquiries must be made regarding customer complaints and regulatory matters and a description of how the applicant handles customer service matters;**

**Response:** Applicant's primary contact for regulatory matters and customer services is:

Sonny Nunez

121 W. Trade St. Suite 1275  
Charlotte, NC 28202  
Telephone: 866-438-3884  
Email: legal@ubiquitygp.com

**11. Information concerning how the applicant plans to bill and collect charges from the customers;**

**Response:** Applicant's wholesale customers will be billed through an industry recognized program to capture all the various fees, taxes and service provided.

**12. 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 interexchange customers;**

**Response:** Applicant will provide wholesale service to other providers and therefore no program is required to prevent unauthorized switching of end user customers. Applicant's wholesale customers will be responsible for solicitation and compliance with all rules and regulations for signing up new customers and end user agreements.

**13. Information concerning how the applicant will make available to any person information concerning the applicant's current rates, terms and conditions for all its telecommunications services;**

**Response:** Applicant's rates and terms will be provided to all wholesale customers on a non-discriminatory basis.

**14. 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 (30) days in advance of the change;**

**Response:** Applicant expects to provide services pursuant to contracts, which frequently have multi-year terms. Therefore, it is unlikely that there would be any adverse change to a rate, term or condition for services. If however, Applicant has

a contractual right to revise rates, terms or conditions in a manner adverse to the customer, it would follow the notice and other applicable terms in the contract. Notice of material changes to a contract typically require 30 days advance notice.

- 15. A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has even 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 the given state, if applicable;**

**Response:** Ubiquity South Dakota is not registered or certified to provide telecommunications services in any state. Applicant has never been denied registration or certification in any state.

- 16. A description of how the applicant intends to market its services, its target market, where the applicant engages in multilevel marketing, and copies of any company brochures used to assist in sales of the services;**

**Response:** Ubiquity is building a full suite fiber-to-the-premise network which will be marketed to its wholesale customers. Ubiquity will provide information to wholesale customers regarding the quantity of available serviceable addresses as the project progresses.

- 17. Federal tax identification number and South Dakota sales tax number; and**

**Response:** Applicant FEIN is 99-0808158 and Applicant's sales tax number is not applicable per South Dakota Department of Revenue. Ubiquity will register for excise taxes.

- 18. The number and nature of complaints filed against the Applicant with any state or federal regulatory commission regarding the unauthorized switching**

**of a Customer's telecommunications provider and the act of charging Customers for services that have not been ordered;**

**Response:** Applicant has not been the subject of complaints for the unauthorized switching of a Customer's telecommunications provider nor for charging Customers for services that were not ordered.

**19. A written request for waiver of those rules believed to be inapplicable;**

**Response:** : Applicant will not be providing traditional switched local exchange and voice services to end users, therefore Applicant respectfully requests a waiver of S.D. Admin. Rule 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 a 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

Applicant will not be providing pre-paid services and requests a waiver of any requirements applicable to pre-paid services.

**20. Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provides the interexchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.**

**Response:** Granting this Application will promote the public interest by increasing competition in the provision of telecommunications services in South Dakota. Applicants expertise in the telecommunications sector will permit it to select the most economic and efficient services, thereby providing customers with a better combination of price, quality, and customer service than other carriers. Accordingly, Ubiquity anticipates its proposed service will provide subscribers

with better quality services and will increase consumer choice of innovative, diversified, and reliable service offerings.

Applicant has the requisite financial, managerial and technical capability to provide interexchange services. It is in the public interest to authorize competitive interexchange carriers to offer alternatives to the incumbent companies' service offerings. Applicant's entry will not unreasonably prejudice or disadvantage any telephone service provider and will be in the public interest.

Respectfully submitted this 7th day of May 2024.

Respectfully submitted,

By: /s/Anita Taff-Rice  
iCommLaw  
1547 Palos Verdes, #298  
Walnut Creek, CA 94597  
Phone: (415) 699-7885  
[anita@icommlaw.com](mailto:anita@icommlaw.com)

## EXHIBITS

Exhibit A	Formation Documents
Exhibit B	South Dakota Secretary of State Certificate to Transact Business
Exhibit D	Financials-Confidential