

BEFORE THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Application of Barr Tell USA Inc.)
for a Certificate of Authority to Provide) Docket No. TC 24-
Local Exchange and Interexchange)
Long Distance Services in the State of)
South Dakota

APPLICATION

Barr Tell USA Inc. (“Barr Tell USA” or “Applicant”) by its undersigned, the President of the Company and pursuant to Sections 20:10:32:03 and 20:10:24:02 of the Administrative Rules of South Dakota, hereby applies for a Certificate of Authority from the South Dakota Public Utilities Commission (“Commission”) to provide local exchange services and Interexchange long distance services in the State of South Dakota.

COMPETITIVE LOCAL EXCHANGE SERVICES

Barr Tell USA submits the following information in support of this Application for local exchange services:

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

Barr Tell USA Inc.
218 East Park Ave., Suite 522
Long Beach, NY 11561-3521
Office Tel: 212 226-4420
Telephone number: (866) 948-6216
Fax number: (212) 812-6405
Website address: www://barrtell.com
E-mail address: legal@barrtell.com
support@barrtell.com

(2) A description of the legal and organizational structure of the applicant's company:

The applicant is a new South Dakota domestic Corporation. The Organizational structure of the Applicant and a brief history is listed in the chart, attached hereto as **EXHIBIT A.**

(3) The name under which the applicant will provide local exchange services and interexchange services if different than in subdivision (#1) of this section:

The Applicant will provide services under the name BARR TELL USA INC.

(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: Applicant does not have a principal office in South Dakota. The name and address of Applicant's current registered agent is:

The Applicant's principal office is in the STATE OF NEW YORK (listed above) and has no physical office in SOUTH DAKOTA.

The name and address of the Applicant's current Registered Agent is:

Registered Agents Inc
25 First Ave. SW, SUITE A
Watertown, SD 57201

(5) A copy of the applicant's certificate of authority to transact business in South Dakota from the secretary of state:

PLEASE SEE: **EXHIBIT B.**

(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:

Applicant has not previously provided telecommunications services in the State of South Dakota. However, Applicant is authorized to provide telecommunication services many other states. Please see a detailed description of the telecom services as **Exhibit C**

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

Applicant is a new start up South Dakota domestic corporation. It is a wholly-owned subsidiary of the Parent company, Barr Tell USA Inc. a New York Corporation incorporated in January 1998. Please see an Organizational Chart listing each state's Certificates of Authority and/or Docket Numbers as **Exhibit D**

(8) A list and specific description of the types of services the applicant seeks to offer and how the services will be provided including:

Applicant will provide local access telecommunications service (local exchange) as well as 1+ Service (long distance or interexchange service) to business/enterprise customers. This will also include text messaging and Faxing.

(a) Information indicating the classes of customers the applicant intends to serve:

Applicant intends to serve business and enterprise customers only.

(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:

The Applicant will use its own facilities wherever and whenever possible, utilizing switching equipment that is located in proximity to the largest Incumbent LEC, i.e. CenturyLink aka Lumen. The time frame will be as soon as the Applicant is approved to provide service in the State of South Dakota and subsequently establishes and fulfills the obligations for an Interconnection Agreement with the ILEC, has all its Common Language Codes in place and assembles any additional and necessary components (accessories). The Applicant's Services will also include the resale of other vendors services when it comes to a product or services the Applicant does not offer directly

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

Barr Tell as the Applicant will be utilizing either Sonus GSX series or 'Telcobridge's' TMG Series switching facilities that are physically located in proximity to the Incumbent's switches for the physical interconnection of T-1 trunk groups using TDM protocol and SS-7 signaling. At this physical connection point, voice traffic will be exchanged with each other. The TDM trunks are then converted into VOIP (and vice versa) for both the transmission and reception of local voice traffic which is forwarded and received from the Customer's endpoints. The Applicant's equipment will be located in one of the neutral data centers that is as close as possible to 125 S DAKOTA AV., SIOUX FALLS, SD 57102

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

The applicant plans to offer Local Exchange Telephone Services and/or Interexchange Service” between the end points of any location(s) disregarding their boundaries or distance. The service includes unlimited and unrestricted calling (regardless whether IntraLATA, InterLATA and/or InterState.) as well as faxing and text messaging. The service also includes direct access to directory assistance, directory listings, and emergency 911 and E911 services that we supply directly through our own nationwide network using our NENA ID (BAA).

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

Applicant proposes to offer services in only the largest statistical metropolitan areas, i.e. Sioux Falls, Rapid City and possibly Aberdeen to the extent they are reachable through its physical Interconnection within LATA 640

(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:

For Information regarding the technical competence of the applicant as well A description of the education and experience of the applicant’s management personnel please see the Curriculum Vitae or Resume of the

management personnel as **EXHIBIT E.**

(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:

The Applicant's Customer service operates 24 hour/day 7 days a week and can be reached by either by a phone call, an email and/or a fax.

Regardless of any customer complaint and/or inquiry they can be assured that it will be dealt with promptly

(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:

The Applicant has its own independent access to a nationwide network, that directly connects any customer to their nearest PSAP. This is managed by a third-party national provider utilizing our membership ID (BAA) in the National Emergency Number Association (the 9-1-1 Association)

(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:

Applicant Barr Tell USA Inc. is a wholly owned subsidiary of its Parent, Barr Tell USA Inc. of New York. Please see the parent company's financial statements for the past two years. attached as **Exhibit F**

In addition, please also see the new startup's subsidiary (Barr Tell USA Inc.SD) in the form of a Proforma financial statement over a three year period. Please see attached **Exhibit F-1**

(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:

Applicant will only connect with one carrier and that is the ILEC, Lumen (aka Century Link, Embarq and/or Qwest)

(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:

The Applicant has a long established relationship with the different iterations of Lumen in many other states. The Applicant will contact their Interconnection lead person by submitting their Information Request Form (IRF) as soon as is feasible

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

As stated above the Applicant will only be requesting an interconnection agreement with the main Incumbent, Lumen for its interconnection in the State of South Dakota.

(14) A description of how the applicant intends to market its 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:

Marketing is done directly with sales representatives who contact potential clients on a person-to-person basis. These contacts are either based on prior industry relationships, word of mouth and or trade shows.

The Applicant never engages in multilevel marketing. Applicant has no applicable brochures.

(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:

The service area of rural telephone companies isn't an applicable question to this Applicant because the Applicant will only be providing telecom service in the three or four largest cities in the state and only through its Interconnection with Lumen. I repeat, the Applicant will not provide sny service, local or otherwise in the service area of any rural telephone company.

(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:

The list of the states in which the applicant is registered and/or certified to provide telecommunications services has been answered above as **Exhibit D**, CLEC AUTHORIZATIONS W/ DOCKET/CERTIFICATE NO.'S & DATES

(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:

Customer Service
Barr Tell USA Inc.
218 East Park Ave., Suite 522
Long Beach, NY 11561-3521
Tel: 212 226-4420 x 100
Toll Free Tel: (866) 948-6216
Fax: 212 812-6405
Email: support@barrtel.com

(18) Information concerning how the applicant plans to bill and collect charges from customers who subscribe to its proposed services:

All of the Applicant's customers are billed a flat rate per month for each telephone handset ordered. This rate includes unlimited calling, texting and faxing as well as all the software features and applications described as **Exhibit C**. There are no prepaid services nor any deposits required. Applicant utilizes a third-party billing company that integrates all the taxes, fees and surcharges necessary to bill the customers accurately.

(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 and interexchange customers by the applicant, its employees, or agents:

Applicant utilizes a direct sales approach to its marketing efforts. Applicant does not utilize any form of multilevel marketing in the sale of its services. Applicant uses written or electronic Letters of Authorization to prevent the unauthorized switching of local service customers.

(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:

Applicant has never been subject to any complaints, sanctions and/or accusations for anything that would be detrimental to the customer.

In all the years of providing telecom services the Applicant has never been contacted by any state or federal commission regarding any unauthorized switching of a customer's telecommunications provider or the act of charging customers for services that have not been ordered.

(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:

The rates are available in several different ways as whatever is the easiest for a customer to access. These are by calling us on the phone, sending us an email consulting our Tariff or on our website. However, as stated previously there is only one flat rate per month per telephone handset

(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:

Applicant will notify its business and enterprise customers of any materially adverse changes to the rates, terms, and/or conditions of their services by providing them with at least 30 days' notice in advance. This advance notice will either be sent in their monthly Invoice, through an email or if need be a physical mailing

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

NO WAIVER IS REQUESTED OR REQUIRED.

(24) Federal tax identification number and South Dakota sales tax number(s):

Applicant's Federal tax identification number is 11-3415400. Applicant's South Dakota sales tax number will be obtained prior to commencement of its 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:

A Tariff will be filed with the commission for approval prior to the commencement of any services

Wherefore, the Applicant hereby states that the Commission's approval of this Application will serve the public's interest by not only creating greater competition in South Dakota's local exchange marketplace for business, but will also be an enhancement or upgrade to most businesses in keeping ahead of the pace with the latest technology

By utilizing the Applicant's full featured telecommunication service it offers business customers the innovative and reliable tools that will enhance their abilities to compete and expand their businesses, while at the same time saving money on a competitively priced high quality service. As mentioned, the Applicant's telecom service consists of whole host of features and applications, all integrated into one comprehensive phone service package that is 99.999% reliable and is a flat price that is all inclusive.

Conclusion

Therefore, Barr Tell USA Inc. respectfully requests that the South Dakota Public Utility Commission accept the foregoing Application and grants the Applicant a Certificate of

Public Convenience and Necessity to provide local exchange and interexchange services within the three specific statistical Metropolitan areas, i.e. Sioux Falls, Rapid City and possibly Aberdeen within the State of South Dakota.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Harold Barr", with a long, sweeping horizontal stroke extending to the right.

Harold Barr, President
Direct Tel: 516 708-0111
July 16, 2024