

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

<b>IN THE MATTER OF THE APPLICATION OF</b>	)	
<b>BARR TELL USA, INC</b>	)	
<b>FOR A CERTIFICATE OF AUTHORITY TO PROVIDE</b>	)	<b>TC24-039</b>
<b>LOCAL EXCHANGE AND INTEREXCHANGE</b>	)	
<b>TELECOMMUNICATIONS SERVICES IN THE</b>	)	
<b>STATE OF SOUTH DAKOTA</b>	)	

**JOINT STIPULATION**

The parties in the above captioned proceeding, the South Dakota Telecommunications Association (“SDTA”) and Barr Tell USA, Inc. (“Barr Tell”) (collectively, the “Parties”), through their respective counsel or representative, submit this Joint Stipulation as a resolution of SDTA’s concerns related to the Barr Tell Application for a Certificate of Authority (the “COA Application”). Through execution of this document, each of the parties agrees:

1. Barr Tell filed a statewide COA Application with this Commission on July 17, 2024.
2. Barr Tell agrees that if the SD Public Utilities Commission grants it a COA, the COA should be limited based upon the agreed upon terms listed in Paragraph 4 below.
3. SDTA agrees upon the Commission’s approval of this Stipulation, and incorporation of the terms listed in Paragraph 4 below into a Commission Order, that the basis for its intervention in the above-referenced dockets shall be deemed fully satisfied, and SDTA shall not oppose Barr Tell’s COA Application.
4. The Parties agreed upon terms are as follows:
  - a. The Certificate of Authority, if granted by the Commission, should not permit Barr Tell or any of its affiliates (that have not first received a local exchange certification from the Commission) to provide any telephone exchange services or switched access services within Rural Telephone Company service areas. For purposes of this Joint Stipulation, “Rural Telephone Company” shall be defined as in 47 U.S.C. §153(44)

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- b. In the future, if Barr Tell intends to provide telephone exchange services or switched access services within any area served by a Rural Telephone Company, Barr Tell understands that it is required to come before the Commission in another proceeding.
- c. Pursuant to 47 U.S.C. § 253(f) the Commission may require a company to meet the requirements in 47 U.S.C. § 214(e)(1) before providing services in a Rural Telephone Company service area.
- d. The parties agree that if the Commission grant certification to Barr Tell according to these conditions, the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f) are not impacted.

AGREED AND STIPULATED to this \_\_\_26\_\_\_ day of \_\_\_\_\_ July \_\_\_\_, 2024

**SD Telecommunications Association**

*Kara Semmler*

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**Barr Tell USA, Inc.**

*Harold Barr*

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