

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

IN THE MATTER OF THE JOINT APPLICATION)	ORDER GRANTING
OF CELERITY NETWORKS LLC AND GALLATIN)	TRANSFER OF CERTIFICATE
WIRELESS INTERNET LLC FOR AUTHORITY TO)	OF AUTHORITY; ORDER
COMPLETE THE TRANSFER OF THE)	GRANTING WAIVER
CERTIFICATE OF AUTHORITY TO PROVIDE)	
COMPETITIVE LOCAL EXCHANGE)	
TELECOMMUNICATIONS SERVICES OF)	TC24-041
CELERITY NETWORKS LLC TO GALLATIN)	
WIRELESS INTERNET LLC)	

On November 7, 2024, the South Dakota Public Utilities Commission (Commission) received Celerity Network LLC (Celerity) and Gallatin Wireless Internet LLC's (Gallatin) Joint Application to transfer Celerity's Certificate of Authority to provide competitive local exchange telecommunications services to Gallatin. Gallatin intends to provide gigabit broadband service to residential and enterprise customers in South Dakota that will enable voice, data, internet access, video streaming, and other advanced communications services. To the extent Gallatin provides voice services, such services will be provided predominately via VoIP. Gallatin does not intend to offer switched voice or switched access services in South Dakota at this time.

On November 14, 2024, the Commission electronically transmitted notice of the filing and the intervention deadline of December 2, 2024, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On December 2, 2024, Gallatin filed a letter stating it agreed to be subject to and comply with all the terms and conditions of the Order Granting Joint Stipulation and Order granting Certificate of Authority to Celerity in Docket TC21-125. On December 2, 2024, Gallatin filed responses to staff's first set of data requests. On December 18, 2024, Gallatin filed responses to staff's second set of data requests.

Celerity received its certificate of authority to provide local exchange services in Docket TC21-125. The Commission's order in TC21-125 which granted the requested certificate of authority was subject to a joint stipulation with the South Dakota Telecommunications Association and the condition that, for its non-VoIP services, Celerity not offer any prepaid services, including prepaid calling cards, and not accept any deposits or advanced payments without prior approval of the Commission, and be subject to rural safeguards.

At its regularly scheduled meeting of January 14, 2025, the Commission considered the request for the transfer of the certificate of authority. Commission Staff recommended the Commission approve Celerity and Gallatin's joint application for authority to transfer Celerity's certificate of authority to provide competitive local exchange telecommunications services to Gallatin, subject to the conditions that, for retail purposes and for Gallatin's non-VoIP services, Gallatin 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. Staff also recommended Gallatin be subject to and comply with all the terms and conditions of the Order Granting Joint Stipulation and Order Granting Certificate of Authority to Celerity in Docket TC21-125 on February 24, 2022. Staff further recommended the Commission grant the waiver of ARSD 20:10:32:10, subject to the condition that Gallatin not

offer switched access services in the state without approval by the Commission and a reevaluation of the waiver.

The Commission finds that it has jurisdiction over this matter pursuant to Chapter 49-31, specifically 49-31-3, and ARSD 20:10:32:08. The Commission finds that Gallatin has met the legal requirements established for the transfer of the certificate of authority. Gallatin has, in accordance with SDCL 49-31-3, demonstrated sufficient technical, financial, and managerial capabilities to offer telecommunications services in South Dakota.

The Commission voted unanimously to grant the transfer of the certificate of authority from Celerity to Gallatin subject to the condition that, for retail purposes and for Gallatin's non-VoIP services, Gallatin 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. This approval was also conditioned on Gallatin being subject to and complying with all the terms and conditions of the Order Granting Joint Stipulation and Order Granting Certificate of Authority to Celerity in Docket TC21-125 on February 24, 2022. The Commission further voted unanimously to grant the waiver of ARSD 20:10:32:10, subject to the condition that Gallatin not offer switched access services in the state without approval by the Commission and a reevaluation of the waiver.

The certificate of authority for Gallatin shall authorize it to provide local exchange telecommunications service in South Dakota, except in those areas served by a rural telephone company. In the future, should Gallatin choose to provide local exchange services statewide, with respect to rural telephone companies, Gallatin 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).

As the Commission's final decision in this matter, it is therefore

ORDERED, that Gallatin's requested waiver of ARSD 20:10:32:10 is hereby granted, subject to the condition that Gallatin not offer switched access services in the state without approval by the Commission and a reevaluation of the waiver. It is further

ORDERED, that the application for transfer of certificate of authority from Celerity to Gallatin is hereby granted, subject to the condition that for retail purposes and for Gallatin's non-VoIP services, Gallatin 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 and conditioned on Gallatin being subject to and complying with all the terms and conditions of the Order Granting Joint Stipulation and Order Granting Certificate of Authority to Celerity in Docket TC21-125 on February 24, 2022. It is further

ORDERED, that this Certificate of Authority authorizes Gallatin to offer its non-VoIP local exchange services in South Dakota, except in those areas served by a rural telephone company. It is further

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

Dated at Pierre, South Dakota, this 22nd day of January, 2025.

CERTIFICATE OF SERVICE
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.
By: <u><i>[Signature]</i></u>
Date: <u>22 January 2025</u>

BY ORDER OF THE COMMISSION:

[Signature]
KRISTIE FIEGEN, Chairperson

[Signature]
GARY HANSON, Commissioner

[Signature]
CHRIS NELSON, Commissioner