

**Docket Number:** TC24-011  
**Subject Matter:** First Data Request  
**Request to:** Ubiquity South Dakota, LLC (Ubiquity)  
**Request from:** South Dakota Public Utilities Commission Staff  
**Date of Request:** May 10, 2024  
**Responses Due:** May 24, 2024

- 1-1. Refer to Ubiquity’s response to ARSD 20:10:32:03(10)(b). Provide the hours of operation for Ubiquity’s customer support service. What happens when a customer calls/emails outside of those hours?

**Response:** 8:30 – 5 pm ET, Monday – Friday. Closed Saturday and Sunday. If a customer calls outside of business hours, they will receive the following message: “Please note, if calling outside of regular business hours, a representative will call you back the following business day.” Email requests are given the following automatic reply: “Thank you for reaching out to us. This is to confirm that we have received your message. A member of our team will review your inquiry and respond to you within 24 hours. Please note that if your message was sent on a Friday, you can expect a response by the end of the business day on Monday. We appreciate your patience and look forward to assisting you.”

- 1-2. Refer to Ubiquity’s response to ARSD 20:10:32:03(12) and ARSD 20:10:24:02(9).  
a. Provide a cash flow statement for years 2021, 2022, and 2023 for Generate-Ubiquity Holdings, LLC. If Ubiquity believes this to be inapplicable, provide a written request for waiver as is required in ARSD 20:10:32:03(23) and ARSD 20:10:24:02(19).

**Response:** Generate-Ubiquity Holdings, LLC was not formed until the end of 2021 resulting in minimal financials and therefore Applicant respectfully requests a waiver of ARSD 20:10:32:03(12) and ARSD 20:10:24:02(9) for 2021 cash flow statements as required by ARSD 20:10:32:03(23) and ARSD 20:10:24:02(19). See Confidential Attachment 1 for Generate-Ubiquity Holdings, LLC 2022<sup>1</sup> and 2023 cash flow statements.

- b. The application says the income statement and balance sheet are audited; however, the statements themselves say unaudited. Confirm these are unaudited and provided audited statements if available.

**Response:** Applicant stated in error that preliminary audited financials were being submitted with the application instead of unaudited financials. Generate-Ubiquity Holdings, LLC does not anticipate having audited financial statements available for several weeks and will supplement the Data Request with audited financial statements just as soon as available.

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<sup>1</sup> Attachment 1 Generate-Ubiquity Holdings, LLC Unaudited Consolidated Financial Statements and Supplemental Consolidating Information as of and for the year ended December 31, 2022 at p. 10

- c. Provide an income statement and balance sheet for years 2021 and 2022 for Generate-Ubiquity Holdings, LLC.

**Response:** Generate-Ubiquity Holdings, LLC was not formed until the end of 2021 resulting in minimal financials. Applicant respectfully requests a waiver of ARSD 20:10:32:03(12) and ARSD 20:10:24:02(9) for 2021 cash flow statements as required by ARSD 20:10:32:03(23) and ARSD 20:10:24:02(19). Please see Confidential Attachment 2 for 2022 unaudited balance sheet and income statement.

- d. Is Generate-Ubiquity [Holdings], LLC responsible for Ubiquity's liabilities now and in the future? Explain.

**Response:** Yes. Every Generate-Ubiquity Holdings is and will continue to be responsible for liabilities of each state entity it owns, including Ubiquity South Dakota, LLC.

- 1-3. Refer to Ubiquity's response to ARSD 20:10:32:03(14) and ARSD 20:10:24:02(16). Provide a description on whether Ubiquity engages in multilevel marketing and copies of any company brochures used to assist in sale of services.

**Response:** Referring to Ubiquity's ARSD 20:10:32:03(14) and ARSD 20:10:24:02(16) response, Ubiquity does not engage in multilevel marketing and does not foresee engaging in multilevel marketing in the future.

- 1-4. Ubiquity's response to ARSD 20:10:32:03(9) states it seeks authority to provide its services throughout the state of South Dakota; however, Ubiquity's response to ARSD 20:10:32:03(15) states that initial projects are not being proposed within rural telephone company territories. Would Ubiquity agree to a certificate of authority that allowed it to provide local exchange service throughout South Dakota, except in those areas served by a rural telephone company, and if it chooses to provide local exchange service in a rural area in the future, would Ubiquity come before the Commission in another proceeding requesting an amended certificate of authority?

**Response:** Referring to response to ARSD 20:10:32:03(9) and ARSD 20:10:32:03(15), Ubiquity agrees to a certificate of authority that allows it to provide local exchange service throughout South Dakota, except in those areas served by a rural telephone company. Ubiquity South Dakota is currently preparing a stipulation with the South Dakota Telecommunications Association that agrees to limit its service only to CenturyLink local exchange areas. If Ubiquity chooses to provide local exchange service in a rural area in the future, we will come before the Commission in later proceeding requesting an amended certificate of authority.

- 1-5. Refer to Ubiquity's response to ARSD 20:10:32:03(16) and ARSD 20:10:24:02(15).  
a. Have the affiliates provided in Exhibit E ever been denied registration or certification in any state? If so, what were the reasons for such denial?

**Response:** Referring to Ubiquity's response to ARSD 20:10:32:03(16) and ARSD 20:10:24:02(15), the affiliates listed in Exhibit E have not been denied registration or certification in any state.

- b. Are the affiliates provided in Exhibit E in good standing with the appropriate regulatory agency in the states where they are certified? If not, provide a detailed explanation of why they are not in good standing.

**Response:** ARSD 20:10:32:03(16) and ARSD 20:10:24:02(15), the affiliates listed in Exhibit E are in good standing with the appropriate regulatory agency in the states where they are certified.

- 1-6. Refer to Ubiquity's response to ARSD 20:10:32:03(18) and (23) and ARSD 20:10:24:02(11) and (19). Confirm Ubiquity would agree to a condition that, for retail purposes, it 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.

**Response:** Referring to Ubiquity's response to ARSD 20:10:32:03(18) and (23) and ARSD 20:10:24:02(11) and (19), Ubiquity agrees to a condition that, for retail purposes, it will not offer prepaid services including prepaid calling cards and not accept or require any deposits or advance payments without prior approval of the Commission.

- 1-7. Refer to Ubiquity's response to ARSD 20:10:32:03(21) and ARSD 20:10:24:02(13). How will Ubiquity provide information concerning rates, terms, and conditions?

**Response:** Ubiquity will provide information concerning rates, terms, and conditions through an Enterprise agreement which can be obtained by contacting the company.

- 1-8. Refer to Ubiquity's response to ARSD 20:10:32:03(24) and ARSD 20:10:24:02(17). Provide the written correspondence from the South Dakota Department of Revenue that states a sales tax number is not applicable for Ubiquity. If Ubiquity still believes this to be inapplicable, provide a written request for waiver as is required in ARSD 20:10:32:03(23) and ARSD 20:10:24:02(19).

**Response:** After additional discussions with the South Dakota Department of Revenue, it was determined that Sales Tax registration is needed and is in process. Applicant will supplement the Data Request as soon as the information is available.

- 1-9. Refer to Ubiquity's response to ARSD 20:10:24:02(10). Provide a description of how Ubiquity handles customer service matters.

- 1-10. **Response:** The Applicant handles customer service matters for its wholesale customers through multiple channels to ensure accessibility and prompt resolution. When performing work in the community on behalf of wholesale customers, we provide door hangers and flags that display our toll-free number, allowing callers to speak directly with a representative. Additionally, these hangers and flags feature an inbox address for

reporting any external issues. We also maintain a "Contact Us" page on our website, which is connected to a managed inbox. Inquiries submitted through this page are routed to the appropriate parties for resolution.

- 1-11. Refer to Ubiquity's response to ARSD 20:10:32:03(20) and ARSD 20:10:24:02(18). Have any of the affiliates provided in Exhibit E ever received complaints regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered? If so, provide the number and nature of such complaints.

**Response:** Referring to Ubiquity's responses to ARSD 20:10:32:03(20) and ARSD 20:10:24:02(18), Affiliates provided in Exhibit E have not received complaints regarding the unauthorized switching of customer's telecommunications provider and the charging customers for services that have not been ordered.