

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

<b>IN THE MATTER OF THE APPLICATION OF BARR )</b>	<b>ORDER GRANTING</b>
<b>TELL USA INC. FOR A CERTIFICATE OF AUTHORITY )</b>	<b>CERTIFICATES OF AUTHORITY;</b>
<b>TO PROVIDE LOCAL EXCHANGE AND )</b>	<b>ORDER ADOPTING JOINT</b>
<b>INTEREXCHANGE LONG DISTANCE SERVICES IN )</b>	<b>STIPULATION; ORDER GRANTING</b>
<b>THE STATE OF SOUTH DAKOTA )</b>	<b>WAIVERS</b>
<b>)</b>	
<b>)</b>	
<b>)</b>	<b>TC24-039</b>

On July 17, 2024, the South Dakota Public Utilities Commission (Commission) received an application from Barr Tell USA Inc. (Barr Tell) for Certificates of Authority to Provide Local Exchange and Interexchange Telecommunications Services in the State of South Dakota. In its application, Barr Tell seeks certificates to provide local access telecommunications service as well as long distance or interexchange service to business/enterprise customers. On July 9, 2024, the Commission received Barr Tell's filing fee.

On July 18, 2024, the Commission electronically transmitted notice of the filing and the intervention deadline of August 2, 2024, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On July 24, 2024, the South Dakota Telecommunications Association (SDTA) filed a Petition to Intervene. On July 29, 2024, SDTA and Barr Tell filed a Joint Stipulation. On August 8 and 15, 2024, Barr Tell responded to staff's data requests. On August 14, 2024, the Commission issued an Order Granting Intervention to SDTA.

Commission Staff recommended granting a certificate of authority with the conditions that, for retail purposes, Barr Tell 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 subject to rural safeguards and the terms and conditions included in the Joint Stipulation and that the Commission grant Barr Tell's request for waivers of ARSD 20:10:24.02(9) and ARSD 20:10:32:03(12).

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3 and 49-31-69 through 49-31-75, and ARSD Chapters 20:10:24.02(19) and 20:10:32.03(23). The Commission finds that Barr Tell has met the legal requirements established for the granting of a certificate of authority. The Commission also finds that Barr Tell has, in accordance with SDCL 49-31-3 and 49-31-71, demonstrated sufficient technical, financial, and managerial capabilities to offer telecommunications services in South Dakota.

The Commission voted unanimously to grant Barr Tell's request for waivers of ARSD 20:10:24:02(9) and ARSD 20:10:32:03(12), and approve Barr Tell's application for certificates of authority to provide local exchange services and interexchange services subject to the conditions that, for retail purposes, Barr Tell 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 subject to rural safeguards and the terms and conditions included in the Joint Stipulation:

- 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).
- 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 of 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 grants 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. It is therefore

ORDERED, that Barr Tell's application for certificates of authority to provide local exchange and interexchange services are hereby granted, subject to the conditions that, for retail purposes, Barr Tell 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. It is further

ORDERED that the certificates of authority are conditioned upon all representations and agreements included in data responses and in the Joint Stipulation. It is further

ORDERED, that Barr Tell's requested waivers of ARSD 20:10:24:10(9) and ARSD 20:10:32:03(12) are hereby granted. It is further

ORDERED, that these certificates of authority authorize Barr Tell to offer local exchange and interexchange services in South Dakota, except in those areas served by a rural telephone company. It is further

ORDERED, that this order constitutes Barr Tell's Certificates of Authority as described above.

Dated at Pierre, South Dakota, this 29<sup>th</sup> day of August 2024.

<p><b>CERTIFICATE OF SERVICE</b></p> <p>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 or by mail.</p> <p>By: <u><i>Kristie Fiegen</i></u></p> <p>Date: <u><i>29 August 2024</i></u></p>
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BY ORDER OF THE COMMISSION:

*Kristie Fiegen*

KRISTIE FIEGEN, Chairperson

*Gary Hanson*

GARY HANSON, Commissioner

*Chi Nelson*

CHRIS NELSON, Commissioner