

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

IN THE MATTER OF THE APPLICATION OF)		
IMON COMMUNICATIONS, LLC FOR A)		ORDER GRANTING
CERTIFICATE OF AUTHORITY TO PROVIDE)		CERTIFICATE OF
LOCAL EXCHANGE AND INTEREXCHANGE)		AUTHORITY; ORDER
LONG DISTANCE SERVICES IN THE STATE)		ADOPTING JOINT
OF SOUTH DAKOTA)		STIPULATION
)		
)		TC24-040

On October 4, 2024, the South Dakota Public Utilities Commission (Commission) received an application from ImOn Communications, LLC (ImOn) for a Certificate of Authority to Provide Local Exchange and Interexchange Long Distance Services in the State of South Dakota. With its application, ImOn seeks to provide resold and facilities-based local exchange and interexchange telecommunications services throughout the state of South Dakota. The Applicant intends to provide retail service to end-user customers and wholesale service to enterprise customers and other communications providers.

On October 10, 2024, the Commission electronically transmitted notice of the filing and the intervention deadline of October 25, 2024, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On October 10, 2024, the South Dakota Telecommunications Association (SDTA) filed a Petition to Intervene. On November 5, 2024, ImOn responded to staff's data request. On November 8, 2024, the Commission issued an Order Granting Intervention to SDTA. On November 12, 2024, ImOn filed its Letter regarding Supplement for Clarification of the Record and Joint Stipulation between ImOn and SDTA.

Commission staff recommended granting ImOn's request for a certificate of authority to provide local exchange services within the non-rural, CenturyLink territories, and interexchange services, with the condition that ImOn 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 that ImOn be subject to rural safeguards. Staff also recommended the Commission incorporate the Joint Stipulation between ImOn and SDTA into the Commission's final order.

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 and 20:10:32. The Commission finds that ImOn has met the legal requirements established for the granting of a certificate of authority. The Commission also finds that ImOn 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 ImOn's request for a certificate of authority to provide local exchange services within the non-rural, CenturyLink territories, and interexchange services, with the condition that ImOn 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, that ImOn be subject to rural safeguards, and to incorporate the Joint Stipulation between ImOn and SDTA into this Order.

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

ORDERED, that ImOn's application for a certificate of authority to provide interexchange services in South Dakota is hereby granted, and subject to the conditions that, for retail purposes, ImOn 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 ImOn's request for a certificate of authority to provide local exchange services is hereby granted, subject to the conditions that, for retail purposes, ImOn 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 is subject to rural safeguards. It is further

ORDERED, that this certificate of authority authorizes ImOn to offer its local exchange service in South Dakota, except in those areas served by a rural telephone company. It is further

ORDERED, that the Joint Stipulation between ImOn and SDTA is hereby incorporated by reference and the conditions therein are adopted. It is further

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

Dated at Pierre, South Dakota, this 4th day of December 2024.

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 or by mail.
By: <u><i>Kristine Edwards</i></u>
Date: <u><i>4 Dec 2024</i></u>

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner