

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

**IN THE MATTER OF THE APPLICATION OF FIBER)
ASSETCO LLC FOR CERTIFICATES OF AUTHORITY)
TO PROVIDE RESOLD AND FACILITIES-BASED)
LOCAL EXCHANGE AND INTEREXCHANGE)
TELECOMMUNICATIONS SERVICES IN THE STATE)
OF SOUTH DAKOTA)**

**ORDER GRANTING
CERTIFICATES OF AUTHORITY;
ORDER GRANTING WAIVER**

TC25-011

On June 12, 2025, the South Dakota Public Utilities Commission (Commission) received an application from Fiber AssetCo LLC (Fiber AssetCo) for a Certificate of Authority to provide local exchange and interexchange telecommunications services in the State of South Dakota. In its supplement to the application, filed on June 25, 2025, Fiber AssetCo clarified that it seeks a certificate of authority to provide local exchange telecommunications services throughout South Dakota excluding the areas served by a rural telephone company and interexchange telecommunications services throughout South Dakota. Fiber AssetCo will provide resold and facilities-based local and interexchange telecommunications services and not provide traditional switched local exchange, voice, or switched access services. Fiber AssetCo will primarily provide facilities-based private line, ethernet, and wavelength services.

On June 18, 2025, the Commission electronically transmitted notice of the filing and the intervention deadline of July 7, 2025, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On July 23, 2025, Fiber AssetCo filed responses to staff's first data request.

Commission staff recommended granting a certificate of authority with the conditions that, for retail purposes, Fiber AssetCo 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 Fiber AssetCo's local authority be subject to rural safeguards. Commission staff further recommended the Commission waive ARSD 20:10:32:10 subject to the condition that Fiber AssetCo not offer switched access services in the state without approval by the Commission and reevaluation of the waiver.

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 Fiber AssetCo has met the legal requirements established for the granting of a certificate of authority. The Commission also finds that Fiber AssetCo 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 approve Fiber AssetCo's application for a certificate of authority subject to the conditions that, for retail purposes, Fiber AssetCo 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 Fiber AssetCo's local authority be subject to rural safeguards. The Commission further voted unanimously to grant the waiver of ARSD 20:10:32:10, subject to the condition that Fiber AssetCo not offer switched access services in the state without approval by the Commission and a reevaluation of the waiver. The certificate of authority for Fiber AssetCo shall authorize it to provide local exchange telecommunication services, except in those areas served by a rural telephone company, and interexchange telecommunications service in South Dakota. In the future, should Fiber AssetCo choose to provide local exchange services statewide, with respect to rural telephone companies, Fiber AssetCo 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 Fiber AssetCo's requested waiver of ARSD 20:10:32:10 is hereby granted, subject to the condition that Fiber AssetCo not offer switched access services in the state without approval by the Commission and a reevaluation of the waiver. It is further

ORDERED, that Fiber AssetCo's application for a certificate of authority to provide interexchange services in South Dakota is hereby granted, subject to the conditions that, for retail purposes, Fiber AssetCo 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 Fiber AssetCo's application for a certificate of authority to provide local exchange services in South Dakota is hereby granted, subject to the conditions that, for retail purposes, Fiber AssetCo 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 Fiber AssetCo to offer its local exchange services, except in those areas served by a rural telephone company, and interexchange services in South Dakota. It is further

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

Dated at Pierre, South Dakota, this 15th day of August 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 or by mail.

By: Kristie Fiegen

Date: 15 Aug 2025

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner