

BEFORE THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Application of Ezee Fiber Texas, LLC	)	
for a Certificate of Public Convenience and	)	
Necessity to Operate as a Facilities-Based	)	
and Resale Competitive Local and	)	Docket No. _____
Interexchange Carrier of Telecommunications	)	
Services with the State of South Dakota	)	

APPLICATION OF EZEE FIBER TEXAS, LLC

Ezee Fiber Texas, LLC (“Ezee Fiber” or “Applicant”), by its undersigned counsel and pursuant to 20:10:32:03 and 20:10:24:02 of South Dakota Public Utilities Commission (“Commission”) Administrative Rules (S.D. Admin. Rules), applies for a Certificate of Authority (“Certificate”) to operate as a wholesale provider of competitive local and interexchange services throughout the state of South Dakota. Applicant does not seek to provide retail voice telecommunications services nor switched access services. Applicant may seek interconnection agreements with incumbent local exchange carriers and wholesale telecommunications contracts to supplement Ezee Fiber’s ability to provide services.

The Applicant submits the following information in support of its request:

- 1) The applicant’s name, address, telephone number, facsimile number, web page URL, and email address;

Response:

Ezee Fiber Texas, LLC
5959 Corporate Dr.
Suite 2000
Houston, TX 77036
Telephone Number: (833) 327-8104
Web Page URL: ezeefiber.com
Email: legal@ezeefiber.com

- 2) A description of the legal organization structure of the applicant’s company;

Response: Applicant is duly authorized limited liability company organized under the laws of Delaware. A copy of the Applicant’s formation documents is attached as Exhibit A.

- 3) The name under which applicant will provide local exchange services if different than in subdivision (1) of this section;

Response: Applicant will provide services under the name Ezee Fiber.

- 4) The location of the applicant's principal office, if any, in this state and the name and the address of its current registered agent, if applicable;

Response: Applicant does not maintain an office or personnel within the State of South Dakota. Responsibility for South Dakota operations will be handled by Applicant's current management team. Applicant's registered agent in South Dakota is:

Incorp Services, Inc.
400 N. Main Ave
Sioux Falls, SD 57104-5979
(800) 246-2677

- 5) A copy of its certificate of authority to transact business in South Dakota from the Secretary of State;

Response: Applicant's Certificate of Authority to transact business as a foreign limited liability company in South Dakota is attached as Exhibit B.

- 6) A description of the applicant's experience providing any telecommunications services in South Dakota or in other jurisdictions, including the types of services provided, and the dates and nature of state or federal authorization to provide the services;

Response: Applicant has not previously provided telecommunications services in the State of South Dakota. However, Applicant is certificated to provide CLEC and related telecommunication services many other states, detailed below.

State	Docket Number	Date of Authorization
Colorado	24A-0262T	July 11, 2024
Florida	20240 I 02-TX	December 20, 2024
Georgia	55855 (CLEC); 55856 (IXC)	November 8, 2024
Illinois	24-0555	January 16, 2025
Kentucky	5058840	July 29, 2024
Massachusetts	N/A	November 16, 2024
Michigan	U-21663	January 23, 2025

Missouri	CA-2025-0048 (CLEC) XA-2025-0051 (IXC)	August 23, 2024 August 22, 2024
New Mexico	23-00399-UT	January 25, 2024
Ohio	24-0803-TP-ACE	September 27, 2024
Oregon	CP 1676	November 28, 2023
Pennsylvania	A-2024-3046957 (IXC) A-2024-3046958 (Competitive Access Provider) A-2024-3046959 (CLEC)	August 6, 2024 (provisional authority; final authority pending approval)
Texas	34006 (CLEC) 51983 (Change in Control Amendment)	April 19, 2007 June 15, 2021
Washington	January 4, 2024	UT-231030
Wisconsin	11287-NC-100	August 7, 2024

- 7) Names and addresses of applicant's affiliates, subsidiaries, and parent organizations, if any;

Response: Please see Confidential Exhibit D for a list of Applicant's affiliate, subsidiaries, and parent organization.

- 8) A list and specific description of the types of services the applicant seeks to offer and how the services will be provided including:

- a. Information indicating the classes of customers the applicant intends to service;

Response: Ezee Fiber's services will be offered to residential, business, and government customers.

- b. Information indicating the extent to and time-frame by which applicant will provide service through the use of its own facilities, the purchase of unbundled network elements, or resale;

Response: Ezee Fiber seeks authority to provide intracity/intrastate services over its fiber optic network. The network will be designed in a hub and spoke configuration with fiber facilities installed from a central connection point to

individual homes and small/medium businesses. This hub and spoke design provides redundancy and thereby increases reliability.

Specific locations have yet to be identified and must be individually negotiated with property owners and rights-of-way must be obtained.

- c. A description of all facilities that the applicant will utilize to furnish the proposed local exchange services, including any facilities of underlying carriers, and

Response: Ezee Fiber will be primarily building new facilities.

- d. Information identifying the types of services it seeks authority to provide by reference to the general nature of the service.

Response: Ezee Fiber will provide broadband and VoIP through its own facilities, including newly constructed conduit, and through commercial agreements utilizing the facilities of underlying providers.

- 9) A service map or narrative description indicating with particularity the geographic area proposed to be served by the applicant;

Response: Applicant seeks authority to provide its services throughout the State of South Dakota. Specific locations have yet to be identified and must be individually negotiated with property owners and rights-of-way must be obtained. For that reason, Ezee Fiber requests that it be exempted from the requirement to provide a service area map in its filing.

- 10) Information regarding the technical competence of the applicant to provide its proposed local exchange services including:

- a. A description of the education and experience of the applicant's management personnel who will oversee the proposed local exchange services; and

Response: Applicant has the managerial and technical qualifications necessary to provide the proposed services in South Dakota. Applicant's management team has extensive telecommunications business, technical, and managerial expertise. Resumes of key personnel of Applicant are provided in Exhibit E. These biographies demonstrate management's substantial communications industry experience and expertise developed operating a variety of communications services across multiple jurisdictions. Applicant anticipates drawing upon management and

technical personnel from its parent or affiliates, but also may supplement with outside consultants as needed. Thus, Applicant possesses the managerial and technical qualifications necessary to operate a competitive telecommunications company in South Dakota, consistent with the Commission's requirements.

- b. Information regarding policies, personnel, or arrangements made by the applicant which demonstrates the applicant's ability to respond to customer complaints and inquiries promptly and to perform facility and equipment maintenance necessary to ensure compliance with any commission quality of service requirements;

Response: Customers may contact customer support at (833) 327-8104 or send email to legal@ezeefiber.com for any service issue. The applicant will perform network and equipment maintenance necessary to ensure compliance with any quality of service requirements. The applicant will comply with all applicable Commission rules, regulations, and standards, and will provide high quality telecommunications services in South Dakota.

- 11) Information explaining how the applicant will provide customers with access to emergency services such as 911 or enhanced 911, operator services, interexchange services, directory assistance, and telecommunications relay services;

Response: Applicant will rely upon other carriers for the provision of emergency services (911 or E911), operator services, directory assistance, and telecommunications relay services. Applicant will comply with all applicable Commission rules, regulations and standards to provide customers with access to these services. Applicant has extensive experience providing telecommunications services in other jurisdictions and complies with all applicable rules, regulations, and standards regarding the provision of services such as 911.

- 12) For the most recent 12-month period, financial statements of the applicant consisting of balance sheets, income statements, and cash flow statements. The applicant shall provide audited financial statements, if available;

Response: Please see Confidential Exhibit C Financials.

- 13) Information detailing the following matters associated with interconnection to provide proposed local exchange services;

- a. The identity of all local exchange carriers with which the applicant plans to interconnect;

Response: Ezee Fiber Texas, LLC is not currently negotiating any interconnection agreements but may do so in the future once service areas are identified and designed.

- b. The likely timing of initiation of interconnections service and a statement as to when negotiations for interconnection started or when negotiations are likely to start; and

Response: Ezee Fiber Texas, LLC is not currently negotiating any interconnection agreements but may do so in the future once service areas are identified and designed.

- c. A copy of any request for interconnection made by the applicant to any local exchange carrier.

Response: Ezee Fiber Texas, LLC is not currently negotiating any interconnection agreements but may do so in the future once service areas are identified and designed.

- 14) A description of how the applicant intends to market its local exchange services, its target market, whether the applicant engages in multilevel marketing, and copy of any company brochures that will be used to assist in sale of the services;

Response: Applicant intends to provide retail service to end-user customers and wholesale service to enterprise customers. Applicant's marketing plan includes a combination of door-to-door marketing direct mail, grassroots marketing at community events, newspapers, radio, billboards, and digital marketing. Customers may purchase Applicant's services via its website, by calling Applicant directly, at community events where Applicant has a presence, or through direct sales. All sales will be made directly through Applicant. Applicant will not engage in multilevel marketing.

- 15) If the applicant is seeking authority to provide local exchange service in the service area of a rural telephone company, the date by which the applicant expects to meet the service obligations imposed pursuant to § 20:10:32:15 and applicant's plans for meeting the service obligations;

Response: Ezee Fiber's initial projects are not being proposed within rural telephone company territories, and Ezee Fiber will not seek to provide service with rural service areas without first complying with the relevant terms of § 20:10:32:15.

- 16) A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable;

Response: See Response 6 for the list of states in which Ezee Fiber is certified. Ezee Fiber is in good standing with all of the above, and has never had a certification revoked or denied.

- 17) The names, addresses, telephone numbers, E-mail addresses, and facsimile numbers of the applicant's representatives to whom all inquiries must be made regarding customer complaints and other regulatory matters;

Response: Correspondence concerning the Application should be directed to Applicant's attorney:

Jason Danowsky
FosterDanowsky LLP
904 West Ave., Ste. 107, Austin, Texas 78701
512-708-8700
512-697-0058/fax
jdandowsky@fosterdanowsky.com

Applicant's primary contact for regulatory matters and customer services is:

George Salimbas
5959 Corporate Dr.
Suite 2000
Houston, TX 77036
713-997-4783
george.salimbas@ezeefiber.com

- 18) Information concerning how the applicant plans to bill and collect charges from customers who subscribe to its proposed local exchange services;

Response: Applicant will bill its customers directly for the proposed telecommunications services, typically on a monthly basis. Applicant's name shall appear on customer's monthly bills and invoices. Bills will be presented in paper or electronic format, and will identify individual state and federal taxes, surcharges, and fees, as appropriate. All applicable taxes and surcharges will be collected and remitted to the proper authorities.

- 19) Information concerning the applicant's policies relating to solicitation of new customers and a description of the efforts the applicant shall use to prevent the unauthorized switching of local service customers by the applicant, its employees, or agents;

Response: As stated in its response to Item 14, Applicant shall use a combination of solicitation and marketing techniques. Applicant will comply with all applicable federal and state anti-slamming laws and regulations to prevent the unauthorized switching of local service customers by Applicant, its employees, or agents.

- 20) The number and nature of complaints filed against the applicant with any state or federal commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered;

Response: Applicant has not been the subject of complaints for the unauthorized switching of a Customer's telecommunications provider nor for charging Customers for services that were not ordered.

- 21) Information concerning how the applicant will make available to any person information concerning the applicant's current rates, terms, and conditions for all of its telecommunications services;

Response: Applicant's rates and terms will be provided to all customers on a non-discriminatory basis.

- 22) Information concerning how the applicant will notify a customer of any materially adverse change to any rate, term, or condition of any telecommunications service being provided to the customer. The notification must be made at least thirty days in advance of the change;

Response: Applicant will provide notice to its affected customers of any materially adverse change to any rate, term or condition of any telecommunications service consistent with the

terms of their contracts with Applicant and applicable law, at least thirty (30) days prior to the effective date of the change.

- 23) A written request for waiver of those rules believed to be inapplicable;

Response: Applicant will not be providing traditional switched local exchange services to end users, therefore Applicant respectfully requests a waiver of S.D. Admin. Rule 20:10:32:10, which requires that South Dakota local exchange carriers make the following services available to their customers (1) access to the public switched telephone network; (2) access to emergency services such as 911 or enhanced 911; (3) access to a local directory and directory assistance; (4) access to operator services; (5) telecommunications relay service capability or access necessary to comply with state and federal regulations; (6) non-published service upon written request or verbal request of the customer; and (7) access to interexchange services.

Applicant will not be competing directly with rural telephone companies to provide end-user local exchange services and requests waiver of the service obligations imposed pursuant to § 20:10:32:15. Applicant will not be providing pre-paid services and requests a waiver of any requirements applicable to pre-paid services.

- 24) Federal tax identification number and South Dakota sales tax number, and

Response: Applicant FEIN is 86-3056834 and Applicant's sales tax number is 1042-3496-ST.

- 25) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the local exchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

Response: Granting this Application will promote the public interest by increasing competition in the provision of telecommunications services in South Dakota. Applicant's expertise in the telecommunications sector will permit it to select economic and efficient services, thereby providing customers with a better combination of price, quality, and customer service than other carriers. Accordingly, Ezee Fiber anticipates its proposed

service will provide subscribers with better quality services and will increase consumer choice of innovative, diversified, and reliable service offerings.

Applicant has the requisite financial, managerial and technical capability to provide local exchange and interexchange services. It is in the public interest to authorize competitive local exchange and interexchange carriers to offer alternatives to the incumbent companies' service offerings. Applicant's entry will not unreasonably prejudice or disadvantage any telephone service provider and will be in the public interest.

Respectfully submitted this 30th day of October, 2025.

By: Jason Danowsky



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Texas 78701

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