

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

**IN THE MATTER OF THE APPLICATION OF)
MOBILITIE MANAGEMENT, LLC FOR A)
CERTIFICATE OF AUTHORITY TO PROVIDE)
LOCAL EXCHANGE SERVICES IN SOUTH)
DAKOTA)**

**ORDER GRANTING
CERTIFICATE OF AUTHORITY
AND GRANTING WAIVER**

TC16-005

On April 7, 2016, the South Dakota Public Utilities Commission (Commission) received a filing from Mobilitie Management, LLC (Mobilitie Management) requesting a Certificate of Authority to provide local exchange services in South Dakota for the purpose of providing transport, backhaul, and broadband data services on a wholesale basis to business customers and government agencies. Mobilitie Management requests authority throughout the territories of all ILECs open to competition that are not state designated as rural service areas. Mobilitie Management requests a waiver of ARSD 20:10:32:10.

On April 14, 2016, the Commission electronically transmitted notice of the filing and the intervention deadline of April 29, 2016, to interested individuals and entities. No petitions to intervene or comments were filed. On May 25, July 25, and September 26, 2016, Mobilitie Management responded to Commission staff's data requests.

At its October 26, 2016, meeting, the Commission considered this matter. Commission staff recommended granting a certificate of authority with the conditions that, for retail purposes, Mobilitie Management 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. Commission staff also recommended granting a waiver of ARSD 20:10:32:10.

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, as well as ARSD 20:10:32:03. The Commission finds that Mobilitie Management has met the legal requirements established for the granting of a Certificate of Authority. Mobilitie Management 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 also granted the waiver of ARSD 20:10:32:10(2), 20:10:32:10(3), 20:10:32:10(4), 20:10:32:10(5), 20:10:32:10(6), and 20:10:32:10(7).

The Commission approves Mobilitie Management's application for a certificate of authority subject to the conditions that, for retail purposes, Mobilitie Management's 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 be subject to rural safeguards. The certificate of authority for Mobilitie Management's shall authorize it to provide local exchange telecommunications service in South Dakota, except in those areas served by a rural telephone company. In the future, should Mobilitie Management's choose to provide local exchange services statewide, with respect to rural telephone companies, Mobilitie Management 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 Mobilitie Management's request for a certificate of authority to provide local exchange services is granted, subject to the conditions that, for retail purposes, Mobilitie Management 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. It is further

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

ORDERED, that Mobilitie Management's requested waiver of ARSD 20:10:32:10(2), 20:10:32:10(3), 20:10:32:10(4), 20:10:32:10(5), 20:10:32:10(6), and 20:10:32:10(7) is granted. It is further

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

Dated at Pierre, South Dakota, this 3rd day of November, 2016.

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>Adam Detrick</u>
Date: <u>11/3/16</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner