

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

**IN THE MATTER OF THE APPLICATION OF )  
BROADSMART GLOBAL, INC. FOR A )  
CERTIFICATE OF AUTHORITY TO PROVIDE )  
LOCAL EXCHANGE AND INTEREXCHANGE )  
LONG DISTANCE SERVICES IN SOUTH )  
DAKOTA )**

**ORDER GRANTING  
CERTIFICATE OF  
AUTHORITY**

**TC17-013**

On April 10, 2017, the South Dakota Public Utilities Commission (Commission) received a filing from Broadsmart Global, Inc. (Broadsmart) for a Certificate of Authority to provide local exchange services in South Dakota to business customers by using interconnected Voice over Internet Protocol. Broadsmart intends to provide local exchange services in the non-rural (CenturyLink) service territory. On April 11, 2017, the Commission received a filing from Broadsmart for a Certificate of Authority to provide interexchange long distance services in South Dakota to business customers by using interconnected Voice over Internet Protocol.

On April 13, 2017, the Commission electronically transmitted notice of the filing and the intervention deadline of April 28, 2017, to interested individuals and entities on the Commission's PUC Weekly Filings listserv. No petitions to intervene or comments were filed. On April 25, 27, and May 2, 2017, Broadsmart responded to Commission staff's data requests. On May 9, 2017, the Commission deferred this docket to the next agenda. On May 15 and 16, 2017, Broadsmart provided supplemental information regarding commissioner questions.

At its regularly scheduled meeting of May 23, 2017, the Commission considered this matter. Commission staff recommended granting a certificate of authority with the conditions that, for retail purposes, Broadsmart 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.

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 20:10:24:02 and 20:10:32:03. The Commission finds that Broadsmart has met the legal requirements established for the granting of a certificate of authority. Broadsmart 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 Broadsmart's application for a certificate of authority subject to the conditions that, for retail purposes, Broadsmart 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. The certificate of authority for Broadsmart 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 Broadsmart choose to provide local exchange services statewide, with respect to rural telephone companies, Broadsmart 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 Broadsmart's application for a certificate of authority to provide interexchange services in South Dakota is granted. It is further

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

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

Dated at Pierre, South Dakota, this 30th day of May, 2017.

<b>CERTIFICATE OF SERVICE</b>
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 Detwiler</u>
Date: <u>5/30/17</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen  
KRISTIE FIEGEN, Chairperson

Gary Hanson  
GARY HANSON, Commissioner

Chris Nelson  
CHRIS NELSON, Commissioner