

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

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

**ORDER GRANTING
CERTIFICATE OF
AUTHORITY**

TC18-024

On June 14, 2018, the South Dakota Public Utilities Commission (Commission) received a filing from Education Networks of America, Inc. (ENA) for a Certificate of Authority to provide local exchange and interexchange long distance services in South Dakota. ENA intends to provide fixed VoIP local exchange services in the non-rural areas of CenturyLink's territory to schools and libraries, and provide interexchange service in the non-rural areas of CenturyLink's territory as well.

On June 21, 2018, the Commission electronically transmitted notice of the filing and the intervention deadline of July 6, 2018, to interested individuals and entities on the Commission's PUC Weekly Filing electronic listserv. No petitions to intervene or comments were filed. On June 21 and June 22, 2018, ENA responded to Staff's data request.

At its regularly scheduled meeting on July 10, 2018, the Commission considered this matter. Commission staff recommended granting a certificate of authority with the conditions that, for retail purposes, ENA 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, and ARSD 20:10:24:02 and 20:10:32:03. The Commission finds that ENA has met the legal requirements established for the granting of a certificate of authority. ENA 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.

With Commissioner Nelson dissenting, the Commission voted to approve ENA's application for a certificate of authority subject to the conditions that, for retail purposes, ENA 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 ENA 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 ENA choose to provide local exchange services statewide, with respect to rural telephone companies, ENA 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 ENA's application for a certificate of authority to provide interexchange services in South Dakota, except in those areas served by a rural telephone company, is granted. It is further

ORDERED, that ENA's request for a certificate of authority to provide local exchange services is granted, subject to the conditions that, for retail purposes, ENA 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 ENA 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 ENA's Certificate of Authority as described above.

Dated at Pierre, South Dakota, this 18th day of July 2018.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u>Adam de Hueck</u></p> <p>Date: <u>7/18/18</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

CHRIS NELSON, Commissioner
Dissenting