

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

IN THE MATTER OF THE APPLICATION OF) ORDER GRANTING CERTIFICATE
CROWN CASTLE FIBER LLC FOR A) OF AUTHORITY; ORDER
CERTIFICATE OF AUTHORITY TO PROVIDE) GRANTING JOINT STIPULATION;
LOCAL EXCHANGE AND INTEREXCHANGE) ORDER GRANTING WAIVER
LONG DISTANCE SERVICES IN SOUTH DAKOTA)
) **TC18-057**

On September 10, 2018, the South Dakota Public Utilities Commission (Commission) received an application from Crown Castle Fiber, LLC (Crown Castle Fiber) requesting a certificate of authority to provide facilities-based and resold local exchange and interexchange long distance services throughout South Dakota. Crown Castle Fiber also requested a waiver of ARSD 20:10:32:10.

On September 13, 2018, the Commission electronically transmitted notice of the filing and the intervention deadline of September 28, 2018, to interested individuals and entities on the Commission’s PUC Weekly Filing electronic listserv. On September 28, 2018, the South Dakota Telecommunications Association (SDTA) filed a Petition to Intervene which was granted by the Commission on October 23, 2018. On October 9, 2018, Crown Castle Fiber responded to Commission staff’s data request. On December 4, 2018, SDTA and Crowned Castle Fiber filed a Joint Stipulation requesting Commission approval of the Joint Stipulation.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3, 49-31-69 through 49-31-75, and ARSD 20:10:24:02 and 20:10:32:03.

At its regularly scheduled meeting on December 11, 2018, the Commission considered this matter. Commission staff recommended the Commission approve Crown Castle Fiber’s application subject to the terms and conditions included in the Joint Stipulation and that the Commission grant the requested waiver.

The Commission finds that Crown Castle Fiber has met the legal requirements established for the granting of a certificate of authority. Crown Castle Fiber 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 Crown Castle Fiber’s application for a certificate of authority subject to the conditions that, for retail purposes, Crown Castle Fiber 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 Commission further voted unanimously to grant Crown Castle’s request for a waiver of ARSD 20:10:32:10 and approved Crown Castle Fiber’s application for a certificate of authority subject to the terms and conditions as set forth in as set forth in #2 of the Joint Stipulation:

- a. The parties agree that the Certificate of Authority granted by the Commission to Crown Castle Fiber would be limited to authorizing only the provisioning of the services included in the Application which do not require Crown Castle Fiber, in provisioning its services, to obtain local network interconnection (either through direct or indirect interconnections) with rural telephone companies.
- b. The Certificate of Authority granted by the Commission would not permit Crown Castle Fiber or any of its affiliates that have not first received a local exchange certification from the Commission to provide within any rural telephone company service area any

telephone exchange services, switched access services, or any VoIP service that is subject to the Commission's authority to issue certificates of authority for local exchange service. In addition, Crown Castle Fiber agrees that at this time the offering of any of its facilities-based or resold, non-switched services in South Dakota's rural service areas do not require Crown Castle Fiber to request, or rely on, interconnection services from rural telephone companies.

- c. In the future, if Crown Castle Fiber chooses to provide within any rural telephone company service area any exchange services, switched access services, or any VoIP service that is subject to the Commission's certification authority, Crown Castle Fiber agrees to come before the Commission in another proceeding before being able to provide local exchange service in that rural service area pursuant to 47 U.S.C. § 253(f). This will allow the Commission to consider requiring Crown Castle Fiber to meet the requirements in 47 U.S.C. § 214(e)(1) for designation as an eligible telecommunications carrier in the rural telephone company service area.
- d. The parties agree that the grant of statewide certification to Crown Castle Fiber as specified herein will not affect the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f).
- e. Crown Castle Fiber also agrees with respect to any VoIP service that is not subject to the Commission's authority that it will, before providing any such service within a rural telephone company service area, first submit to the Commission any applicable registration form.
- f. In addition, if in provisioning any VoIP services within South Dakota Crown Castle Fiber obtains authorization from the FCC granting it direct access to North American Numbering Plan (NANP) telephone numbers, Crown Castle Fiber agrees that it will comply with all applicable federal requirements set forth in 47 C.F.R. § 52.15 and the FCC's Report and Order in WC Docket No. 13-97 (FCC 15-70) issued on June 22, 2015, as those requirements may be amended or replaced in the future. This includes compliance with: (1) provisions requiring that any request for numbers be filed with the Commission at least 30 days before the request for numbers is made to the Numbering Administrators; (2) provisions requiring that any authorized interconnected VoIP provider abide by any numbering authority delegated to the states and industry guidelines regarding numbering as applicable to telecommunications carriers, including the practice of maintaining the original rate center designation of all telephone numbers within its inventory; and (3) provisions requiring "facility readiness", including the requirement that interconnected VoIP providers receiving direct access to telephone numbers have either interconnection agreements or other commercial arrangements in place providing access to the Public Switch Telephone Network (PSTN) so that voice calls may be properly routed and completed.

It is therefore

ORDERED, that Crown Castle Fiber's application for a certificate of authority to provide interexchange services in South Dakota is hereby granted. It is further

ORDERED, that Crown Castle Fiber's request for a certificate of authority to provide local exchange services is hereby granted, subject to the terms and conditions outlined above and in the Joint Stipulation. It is further

ORDERED, that Crown Castle Fiber's request for a waiver of ARSD 20:10:32:10 is hereby granted. It is further

ORDERED, that this order constitutes Crown Castle Fiber's certificate of authority as described above.

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

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>Karen E. Cremer</u>
Date: <u>12/18/18</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner