

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

IN THE MATTER OF THE APPLICATION OF NGA 911, L.L.C. FOR A CERTIFICATE OF AUTHORITY TO PROVIDE LOCAL EXCHANGE AND INTEREXCHANGE LONG DISTANCE SERVICES IN SOUTH DAKOTA)	ORDER GRANTING APPROVAL OF JOINT STIPULATION; ORDER GRANTING CERTIFICATE OF AUTHORITY; ORDER GRANTING WAIVERS
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)	TC19-003

On February 14, 2019, the South Dakota Public Utilities Commission (Commission) received an application from NGA 911, L.L.C. (NGA 911) for a certificate of authority to provide local exchange services and interexchange long distance services throughout South Dakota. Specifically, NGA 911 seeks certificates to provide local exchange and interexchange telecommunications services in order to provide emergency call routing, transport, and related functionalities to state and municipal governmental agencies to support public safety answering points (PSAPs). NGA 911 requested a waiver of ARSD 20:10:32:03(11), 20:10:32:10(1-7), and a waiver of 20:10:24:02(9) and 20:10:32:03(12) only to the extent that a cash flow statement is required. The company also requested a waiver of ARSD 20:10:32:15, if necessary.

On February 21, 2019, the Commission electronically transmitted notice of the filing and the intervention deadline of March 8, 2019, to interested individuals and entities on the Commission's PUC Weekly Filing electronic listserv. On March 7, 2019, South Dakota Telecommunications Association (SDTA) filed a Petition to Intervene. On March 18, 2019, NGA 911 responded to Commission staff's data requests. On March 27, 2019, the Commission issued an Order Granting Intervention. On March 27, 2019, SDTA and NGA 911 filed a Joint Stipulation. On May 1, 2019, Commission staff filed a memorandum regarding its recommendation.

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 and 20:10:32.

At its regularly scheduled meeting on May 2, 2019, the Commission considered this matter. Commission staff recommended approval of NGA 911's application for a certificate of authority subject to the terms outlined in the Joint Stipulation and that the Commission grant waivers of ARSD 20:10:32:03(11), 20:10:32:10(1-7), and waivers of cash flow statements as required in 20:10:24:02(9) and 20:10:32:03(12).

The Commission finds that NGA 911 has met the legal requirements established for the granting of a certificate of authority. NGA 911 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 NGA 911's application for a certificate of authority, subject to the terms outlined in the Joint Stipulation. The Commission further voted unanimously to grant NGA 911's request for waivers of ARSD 20:10:32:03(11), 20:10:32:10(1-7), and for waivers of cash flow statements as required in 20:10:24:02(9) and 20:10:32:03(12).

It is therefore

ORDERED, that the Joint Stipulation is hereby approved. It is further

ORDERED, that NGA 911's application for a certificate of authority to provide interexchange services and local exchange services in South Dakota is hereby granted, subject to the terms outlined

in the Joint Stipulation which shall be incorporated by reference into this Order the same as if it had been set forth in its entirety herein. It is further

ORDERED, that NGA 911's request for waivers of ARSD 20:10:32:03(11), 20:10:32:10(1-7), and for waivers of cash flow statements as required in 20:10:24:02(9) and 20:10:32:03(12) is hereby granted. It is further

ORDERED, that this order constitutes NGA 911's certificate of authority as described above.

Dated at Pierre, South Dakota, this 7th day of May 2019.

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 de Hueckle</u>
Date: <u>5/7/19</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner