

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

IN THE MATTER OF THE APPLICATION OF) SIMWOOD INC. FOR A CERTIFICATE OF) AUTHORITY TO PROVIDE LOCAL EXCHANGE AND) INTEREXCHANGE LONG DISTANCE SERVICES IN) THE STATE OF SOUTH DAKOTA)	ORDER GRANTING CERTIFICATE OF AUTHORITY TC20-002
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On February 24, 2020, the South Dakota Public Utilities Commission (Commission) received a filing from Simwood Inc. (Simwood) requesting a Certificate of Authority to provide local exchange and interexchange services in South Dakota.

On February 27, 2020, the Commission electronically transmitted notice of the filing and the intervention deadline of March 13, 2020, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. No petitions to intervene or comments were filed. On April 27, 2020, Simwood filed responses to Commission staff's data requests.

At its regularly scheduled meeting on May 12, 2020, the Commission considered this matter. Commission staff recommended granting a certificate of authority with the conditions that, for retail purposes, Simwood not offer any prepaid services including prepaid calling cards and not accept or require any deposits of advance payments without prior approval of the Commission, and subject to rural safeguards.

The Commission finds it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3 and 49-31-69 through 49-31-75, inclusive, as well as ARSD 20:10:24:03 and ARSD 20:10:32:03. The Commission finds that Simwood has met the legal requirements established for the granting of a certificate of authority. Simwood has, in accordance with 49-31-3 and 49-31-71, demonstrated sufficient technical, financial, and managerial capabilities to offer telecommunications services in South Dakota.

The Commission approves Simwood's application for a certificate of authority subject to the conditions that, for retail purposes, Simwood not offer any prepaid services including 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 Simwood shall authorize it to provide interexchange long distance services in South Dakota. The certificate of authority shall also authorize Simwood to provide local exchange telecommunications service in South Dakota, except in those areas served by a rural telephone company. In the future, should Simwood choose to provide local exchange services statewide, with respect to rural telephone companies, Simwood 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 Simwood's request for a certificate of authority to provide local exchange and interexchange long distance services is granted, subject to the conditions that, for retail purposes, Simwood 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. It is further

ORDERED, that this certificate of authority authorizes Simwood 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 Simwood's Certificate of Authority as described above.

Dated at Pierre, South Dakota, this 13th day of May 2020.

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>05/13/20</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

CHRIS NELSON, Dissenting