**20:10:32:03.  Certificate of authority for local exchange service -- Application requirements.** A telecommunications company required to apply for a certificate of authority for local exchange services from the commission shall submit a written application and provide the following information unless the commission grants a waiver to omit a specific item of information:

 (1)  The applicant’s name, address, telephone number, facsimile number, web page URL, and E-mail address;

 (2)  A description of the legal and organizational structure of the applicant's company;

 (3)  The name under which applicant will provide local exchange services if different than in subdivision (1) of this section;

 (4)  The location of the applicant's principal office, if any, in this state and the name and address of its current registered agent, if applicable;

 (5)  A copy of its certificate of authority to transact business in South Dakota from the secretary of state;

 (6)  A description of the applicant's experience providing any telecommunications services in South Dakota or in other jurisdictions, including the types of services provided, and the dates and nature of state or federal authorization to provide the services;

 (7)  Names and addresses of applicant's affiliates, subsidiaries, and parent organizations, if any;

 (8)  A list and specific description of the types of services the applicant seeks to offer and how the services will be provided including:

 (a)  Information indicating the classes of customers the applicant intends to serve;

 (b)  Information indicating the extent to and time-frame by which applicant will provide service through the use of its own facilities, the purchase of unbundled network elements, or resale;

 (c)  A description of all facilities that the applicant will utilize to furnish the proposed local exchange services, including any facilities of underlying carriers; and

 (d)  Information identifying the types of services it seeks authority to provide by reference to the general nature of the service;

 (9)  A service area map or narrative description indicating with particularity the geographic area proposed to be served by the applicant;

 (10)  Information regarding the technical competence of the applicant to provide its proposed local exchange services including:

 (a)  A description of the education and experience of the applicant’s management personnel who will oversee the proposed local exchange services; and

 (b)  Information regarding policies, personnel, or arrangements made by the applicant which demonstrates the applicant’s ability to respond to customer complaints and inquiries promptly and to perform facility and equipment maintenance necessary to ensure compliance with any commission quality of service requirements;

 (11)  Information explaining how the applicant will provide customers with access to emergency services such as 911 or enhanced 911, operator services, interexchange services, directory assistance, and telecommunications relay services;

 (12)  For the most recent 12 month period, financial statements of the applicant consisting of balance sheets, income statements, and cash flow statements. The applicant shall provide audited financial statements, if available;

 (13)  Information detailing the following matters associated with interconnection to provide proposed local exchange services:

 (a)  The identity of all local exchange carriers with which the applicant plans to interconnect;

 (b)  The likely timing of initiation of interconnection service and a statement as to when negotiations for interconnection started or when negotiations are likely to start; and

 (c)  A copy of any request for interconnection made by the applicant to any local exchange carrier;

 (14)  A description of how the applicant intends to market its local exchange services, its target market, whether the applicant engages in multilevel marketing, and copies of any company brochures that will be used to assist in sale of the services;

 (15)  If the applicant is seeking authority to provide local exchange service in the service area of a rural telephone company, the date by which the applicant expects to meet the service obligations imposed pursuant to § 20:10:32:15 and applicant’s plans for meeting the service obligations;

 (16)  A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable;

 (17)  The names, addresses, telephone numbers, E-mail addresses, and facsimile numbers of the applicant’s representatives to whom all inquiries must be made regarding customer complaints and other regulatory matters;

 (18)  Information concerning how the applicant plans to bill and collect charges from customers who subscribe to its proposed local exchange services;

 (19)  Information concerning the applicant’s policies relating to solicitation of new customers and a description of the efforts the applicant shall use to prevent the unauthorized switching of local service customers by the applicant, its employees, or agents;

 (20)  The number and nature of complaints filed against the applicant with any state or federal commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered;

 (21)  Information concerning how the applicant will make available to any person information concerning the applicant's current rates, terms, and conditions for all of its telecommunications services;

 (22)  Information concerning how the applicant will notify a customer of any materially adverse change to any rate, term, or condition of any telecommunications service being provided to the customer. The notification must be made at least thirty days in advance of the change;

 (23)  A written request for waiver of those rules believed to be inapplicable;

 (24)  Federal tax identification number and South Dakota sales tax number; and

 (25)  Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the local exchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

The commission may require the production of audited financial statements and additional information to supplement that contained in the application. A company shall notify the commission of any changes in subdivisions (1), (3), (4), and (17) of this section as they occur.

 **Source:** 25 SDR 89, effective December 27, 1998; 26 SDR 110, effective March 7, 2000; 34 SDR 67, effective September 11, 2007.

 **General Authority:** SDCL 49-31-76.

 **Law Implemented:** SDCL49-31-3, 49-31-12.7,49-31-69, 49-31-76.