

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

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
ZAYO NETWORK SERVICES, LLC FOR A)	CERTIFICATE OF
CERTIFICATE OF AUTHORITY TO PROVIDE)	AUTHORITY; ORDER
RESOLD AND FACILITIES-BASED LOCAL)	GRANTING WAIVER
EXCHANGE TELECOMMUNICATIONS)	
SERVICES IN THE STATE OF SOUTH)	TC25-032
DAKOTA)	

On July 24, 2025, the South Dakota Public Utilities Commission (Commission) received a filing from Zayo Network Services, LLC (Zayo) for a Certificate of Authority to provide resold and facilities-based local exchange telecommunications services in the State of South Dakota. Zayo seeks a certificate to provide resold and facilities-based local exchange telecommunications services throughout South Dakota excluding the areas served by rural telephone companies. Zayo seeks to provide facilities-based and resold local exchange telecommunications services that do not require an interconnection. Zayo does not seek to provide traditional switched local exchange, voice, or switched access services. Zayo proposes to offer primarily point-to-point telecommunications services such as Ethernet and other similar high-bandwidth circuits for high-speed data transport.

On July 31, 2025, the Commission electronically transmitted notice of the filing and the intervention deadline of August 15, 2025, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. No petitions to intervene or comments were filed. On August 5, 2025, Zayo filed responses to staff's data requests.

Commission staff recommended granting a certificate of authority with the conditions that, for retail purposes, Zayo 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. Staff also recommended the Commission waive ARSD 20:10:32.10.

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 Chapter 20:10:32. The Commission finds that Zayo has met the legal requirements established for the granting of a certificate of authority. The Commission also finds that Zayo 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 Zayo's application for a certificate of authority subject to the conditions that, for retail purposes, Zayo 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 the waiver of ARSD 20:10:32:10, subject to the condition that Zayo not offer retail switched access services in the state without approval by the Commission and a reevaluation of the waiver. The certificate of authority for Zayo shall authorize it to provide local exchange service in South Dakota, except in those areas served by a rural telephone company.

In the future, should Zayo choose to provide local exchange services statewide, with respect to rural telephone companies, Zayo must come before the Commission in another proceeding to request authority to provide local service in a 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 Zayo's requested waiver of ARSD 20:10:32:10 is hereby granted, subject to the condition that Zayo not offer retail switched access services in the state without approval by the Commission and a reevaluation of the waiver. It is further

ORDERED, that Zayo's request for a certificate of authority to provide local exchange services is hereby granted, subject to the conditions that, for retail purposes, Zayo 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 is subject to rural safeguards. It is further

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

Dated at Pierre, South Dakota, this 9th day of October 2025.

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><i>Kristie Fiegen</i></u>
Date:	<u>9 Oct 2025</u>

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner