

BEFORE THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Application of Ezee Fiber Texas, LLC	)	
for a Certificate of Public Convenience and	)	
Necessity to Operate as a Facilities-Based	)	
and Resale Interexchange Carrier of	)	Docket No. _____
Telecommunications Services in the	)	
State of South Dakota		

APPLICATION OF EZEE FIBER TEXAS, LLC

Ezee Fiber Texas, LLC (“Ezee Fiber” or “Applicant”), by its undersigned counsel and pursuant to 20:10:32:03 and 20:10:24:02 of South Dakota Public Utilities Commission (“Commission”) Administrative Rules (S.D. Admin. Rules), applies for a Certificate of Authority (“Certificate”) to operate as a provider of interexchange services throughout the state of South Dakota. Applicant does not seek to provide retail voice telecommunications services nor switched access services. Applicant may seek interconnection agreements with incumbent local exchange carriers and wholesale telecommunications contracts to supplement Ezee Fiber’s ability to provide services. The Applicant submits the following information in support of its request:

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

Response:

Ezee Fiber Texas, LLC
5959 Corporate Dr.
Suite 2000
Houston, TX 77036
Telephone Number: (833) 327-8104
Web Page URL: ezeefiber.com
Email: legal@ezeefiber.com

- 2) A description of the legal organization structure of the applicant’s company;

Response: Applicant is duly authorized limited liability company organized under the laws of Delaware. A copy of the Applicant’s formation documents is attached as Exhibit A.

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

Response: Applicant will provide services under the name Ezee Fiber.

- 4) A copy of its certificate of authority to transact business in South Dakota from the Secretary of State;

Response: Applicant's Certificate of Authority to transact business as a foreign limited liability company in South Dakota is attached as Exhibit B.

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

Response: Applicant does not maintain an office or personnel within the State of South Dakota. Responsibility for South Dakota operations will be handled by Applicant's current management team. Applicant's registered agent in South Dakota is:

Incorp Services, Inc.
400 N. Main Ave
Sioux Falls, SD 57104-5979
(800) 246-2677

- 6) A description of the types of service the applicant seeks to offer

Response: Ezee Fiber seeks authority to provide resold and facilities-based local and interexchange telecommunications services through its own facilities and resale, including newly constructed conduit, and through commercial agreements utilizing the facilities of underlying providers.

- 7) A detailed statement of how the applicant will provide its services

Response: Specific locations have yet to be identified and must be individually negotiated with property owners and rights-of-way must be obtained. Where new facilities need to be built, Ezee Fiber has access to technology for boring and placement of deep conduits for secure facilities in difficult locations. These conduits will be designed for multiple uses and suitable for and available to providers of retail and wholesale power services, independent power producers, telecommunications carriers and/or other utilities.

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

Response: Applicant seeks authority to provide its services throughout the State of South Dakota.

- 9) 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;

Response: Applicant is submitting preliminary audited financials for parent company of Wavemedia Telecom, LLC. Please see Confidential Exhibit C Financials.

- 10) The names, addresses, telephone numbers, facsimile number, e-mail addresses, and toll-free number of the Applicant's representatives to whom all inquiries must be made regarding customer complaints and regulatory matters and a description of how the applicant handles customer service matters;

Response: Correspondence concerning the Application should be directed to Applicant's attorney:

Jason Danowsky
FosterDanowsky LLP
904 West Ave., Ste. 107, Austin, Texas 78701
512-708-8700
512-697-0058/fax
jdanowsky@fosterdanowsky.com

Applicant's primary contact for regulatory matters and customer services is:

George Salimbis
5959 Corporate Dr.
Suite 2000
Houston, TX 77036
713-997-4783
george.salimbis@ezeefiber.com

Applicant's primary contact for annual reports and other financial matters is:

Rachelle Etheridge
5959 Corporate Dr.
Suite 2000
Houston, TX 77036
713-997-4783
rachelle.etheridge@ezeefiber.com

- 11) Information concerning how the applicant plans to bill and collect charges from the customers;

Response: Applicant's customers will be billed through an industry recognized program to capture all the various fees, taxes, and service provided.

- 12) 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 interexchange customers;

Response: Applicant will market its services to eligible customers. All new customers must enter into an independently negotiated contracts that will include terms preventing unauthorized switching of interexchange services.

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

Response: Applicant's rates and terms will be provided to all customers on a non-discriminatory basis.

- 14) 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;

Response: Applicant will provide notice to its affected customers of any materially adverse change to any rate, term or condition of any telecommunications service consistent with the terms of their contracts with Applicant and applicable law, at least thirty (30) days prior to the effective date of the change.

- 15) 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;

Response: Ezee Fiber is certified with COA or equivalent authority in the following states: Colorado, Florida, Georgia, Illinois, Kentucky, Massachusetts, Michigan,

Missouri, New Mexico, Ohio, Oregon, Pennsylvania, Texas, Washington, and Wisconsin. Ezee Fiber is in good standing with all of the above, and has never had a certification revoked or denied.

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

Response: Applicant intends to provide retail service to end-user customers and wholesale service to enterprise customers and other communications providers. Applicant's marketing plan includes a combination of door-to-door marketing direct mail, grassroots marketing at community events, newspapers, radio, billboards, and digital marketing. Customers may purchase Applicant's services via its website, by calling Applicant directly, at community events where Applicant has a presence, or through direct sales. All sales will be made directly through Applicant. Applicant will not engage in multilevel marketing.

- 17) Federal tax identification number and South Dakota sales tax number, and

Response: Applicant FEIN is 86-3056834 and Applicant's sales tax number is 1042-3496-ST.

- 18) 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;

Response: Applicant has not been the subject of complaints for the unauthorized switching of a Customer's telecommunications provider nor for charging Customers for services that were not ordered.

- 19) A written request for waiver of those rules believed to be inapplicable;

Response: Applicant will not be providing traditional switched local exchange and voice services to end users, therefore Applicant respectfully requests a waiver of S.D. Admin. Rule 20:10:32:10, which requires that South Dakota local exchange carriers make the following services available to their customers (1) access to the public switched telephone network; (2) access to emergency services such as 911 or enhanced 911; (3) access to a local directory and directory assistance; (4) access to operator services; (5)

telecommunications relay service capability or access necessary to comply with state and federal regulations; (6) non-published service upon written request or verbal request of the customer; and (7) access to interexchange services.

Applicant will not be competing directly with rural telephone companies to provide end-user local exchange services and requests waiver of the service obligations imposed pursuant to § 20:10:32:15. Applicant will not be providing pre-paid services and requests a waiver of any requirements applicable to pre-paid services.

- 20) 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.

Response: Granting this Application will promote the public interest by increasing competition in the provision of telecommunications services in South Dakota. Applicants expertise in the telecommunications sector will permit it to select economic and efficient services, thereby providing customers with a better combination of price, quality, and customer service than other carriers. Accordingly, Ezee Fiber anticipates its proposed service will provide subscribers with better quality services and will increase consumer choice of innovative, diversified, and reliable service offerings.

Applicant has the requisite financial, managerial and technical capability to provide local exchange and interexchange services. It is in the public interest to authorize competitive local exchange and interexchange carriers to offer alternatives to the incumbent companies' service offerings. Applicant's entry will not unreasonably prejudice or disadvantage any telephone service provider and will be in the public interest.

Respectfully submitted this 30th day of October, 2025.

Respectfully submitted,



FosterDanowsky LLP

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Texas 78701
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