**20:10:24:02.  Certificate of authority for interexchange service -- Application requirements.** Each telecommunications company required to apply for a certificate of authority with the commission pursuant to SDCL 49-31-3 for interexchange service shall provide the following information with the company's application 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 the applicant will provide interexchange services if different than in subdivision (1) of this section;

(4)  A copy of the applicant's certificate of authority to transact business in South Dakota from the Secretary of State;

(5)  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;

(6)  A list and specific description of the telecommunications services the applicant intends to offer;

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

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

(9)  For the most recent 12 month period, financial statements of the applicant including a balance sheet, income statement, and cash flow statement. The applicant shall provide audited financial statements, if available;

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

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

(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;

(13)  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;

(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;

(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;

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

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

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

(19)  A written request for waiver of those rules the applicant believes to be inapplicable; and

(20)  Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the interexchange 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), (5), (8), and (10) of this section as they occur.

**Source:** 16 SDR 106, effective December 27, 1989; 21 SDR 81, effective November 3, 1994; 22 SDR 107, effective February 18, 1996; 25 SDR 89, effective December 27, 1998; 26 SDR 110, effective March 7, 2000; 34 SDR 67, effective September 11, 2007.

**General Authority:** SDCL 49-31-3.

**Law Implemented:** SDCL 49-31-3, 49-31-12.7.