

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

IN THE MATTER OF THE FILING BY)	ORDER REGARDING
AVENTURE COMMUNICATION TECHNOLOGY,)	MOTION FOR SUMMARY
LLC DBA AVENTURE COMMUNICATIONS)	JUDGMENT AND MOTION
FOR APPROVAL OF ITS SWITCHED ACCESS)	TO COMPEL
SERVICES TARIFF NO. 3)	TC11-010

On March 18, 2011, the Public Utilities Commission (Commission) received from Aventure Communication Technology, LLC dba Aventure Communications (Aventure) a request for approval of its Switched Access Services Tariff No. 3. This tariff cancels and replaces in its entirety South Dakota Tariff No. 2. Aventure states it is filing this replacement tariff to provide for greater consistency in the terms and conditions associated with its provision of interstate and intrastate access service. Aventure states that the terms and conditions set forth in the tariff mirror in nearly all respects (with the exception of references specific to the interstate vs. intrastate jurisdictions) Aventure's Tariff FCC No. 3, which became effective on December 30, 2010.

On March 24, 2011, the Commission electronically transmitted notice of the filing and the intervention deadline of April 8, 2011. On March 31, 2011, Qwest Communications Company (Qwest) filed a Motion to Intervene and a Request to Open an Investigation and Suspend Tariff during the Investigation. On April 4, 2011, Aventure filed in opposition to Qwest's Motion to Intervene and Request to Open an Investigation and Suspend the Tariff. On April 7, 2011, Midcontinent Communications (Midcontinent) filed a Petition to Intervene and Sprint Communications Company, L.P. (Sprint) filed a Petition for Intervention and a Request for Investigation. On April 8, 2011, AT&T Communications of the Midwest Inc. (AT&T) filed a Petition to Intervene and Request to Suspend the Tariff and Investigate. On April 8, 2011, MCI Communications Services, Inc. d/b/a Verizon Business Services and Celco Partnership and its subsidiaries providing wireless services in the state of South Dakota, collectively d/b/a Verizon Wireless (Verizon) filed a Motion to Intervene and a Request to Open an Investigation and Suspend Service During the Investigation.

At its April 19, 2011, meeting, the Commission considered the arguments of Aventure and the petitioners. The Commission found the Petitions to Intervene of Verizon, Midcontinent, Qwest, AT&T, and Sprint demonstrated good cause to grant intervention and voted unanimously to grant them intervention and to suspend the tariff for 120 days pending an investigation.

On May 13, 2011, the parties filed a Stipulation for Waiver of SDCL 49-31-12.4(5). On June 21, 2011, AT&T filed a Motion for Summary Judgment to Declare Aventure's Revised Access Tariff to be Unlawful. By order dated June 22, 2011, the Commission issued a procedural schedule that had been agreed to by the parties. On July 13, 2011, Aventure filed a revised page 7 to its tariff. On July 15, 2011, the Commission received a letter from Staff stating that the parties had agreed that the 180 day suspension pursuant to SDCL 49-31-12.4 shall restart from the date Aventure files revised "billing dispute" provisions. On July 18, 2011, Aventure filed an amendment that added a provision to the "Disputed Charges" section of the tariff. By order dated August 9, 2011, the Commission issued an amended procedural schedule that had been agreed to by the parties.

On September 7, 2011, AT&T filed a Renewed Motion for Summary Judgment to Declare Aventure's Revised Access Tariff to be Unlawful and a Motion to Compel Discovery Responses from Aventure. Briefs were filed by the parties in support of and in opposition to both motions.

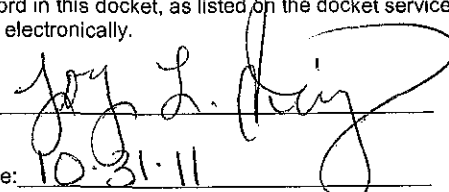
At its regularly scheduled October 25, 2011, meeting, the Commission considered this matter. The Commission has jurisdiction over this matter pursuant to SDCL chapters 1-26 and 49-31. AT&T's motion for summary judgment was based on three arguments as to why the Commission should declare Aventure's proposed tariff revisions to be unlawful. The three arguments were: 1) the proposed tariff is unlawful because switched access charges can be assessed only to end users that pay Aventure a fee for telecommunications services; 2) the proposed tariff contains unreasonable and unlawful billing dispute provisions; and 3) the proposed tariff is unlawful because its definition of "end user premises" is internally inconsistent and unreasonable. During oral argument, Aventure stated that it did not object to substituting its current billing dispute provisions with its proposed billing dispute provisions. After listening to the arguments of the parties, the Commission unanimously voted to deny summary judgment on the issues related to end users and end user premises and to allow Aventure's billing provisions to remain as they are in its existing tariff instead of the provisions in its proposed tariff. The Commission next considered AT&T's Motion to Compel Discovery Responses from Aventure. AT&T clarified that it had included discovery request 1-30 in its Motion to Compel. After listening to the arguments of the parties, the Commission unanimously voted to grant the Motion to Compel, including discovery request 1-30.

It is therefore

ORDERED, that summary judgment is denied on the issues related to end users and end user premises and that Aventure's billing provisions are allowed to remain as they are in its existing tariff instead of the provisions in its proposed tariff; and it is

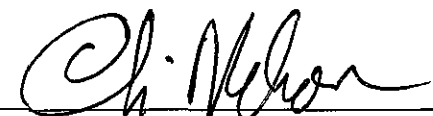
FURTHER ORDERED, that the motion to compel is granted, including discovery request 1-30.

Dated at Pierre, South Dakota, this 31st day of October, 2011.

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.	
By:	
Date:	10-31-11
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:


GARY HANSON, Chairman


CHRIS NELSON, Vice-Chairman


KRISTIE FIEGEN, Commissioner