

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

IN THE MATTER OF THE COMPLAINT)	
OF VENTURE COMMUNICATIONS)	SD PUC DOCKET CT20-001
COOPERATIVE AGAINST AT&T)	
MOBILITY)	
)	

**REPLY IN SUPPORT OF AT&T MOBILITY'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

COMES NOW, New Cingular Wireless PCS, LLC, dba AT&T Mobility (Mobility), by and through its attorney of record, William M. Van Camp, and offers this reply brief in support of its Motion for Partial Summary Judgment.

Despite the arguments of Venture, at the end of the day the Commission is in a position to determine based on the motion before it under the terms of the parties ICA, its Amendment, as well as the FCC's *Transformation Order*¹ and *Order on Reconsideration*², whether or not the efforts of Venture in this instance to collect amounts for traffic, the nature of which is clear, through an improper facility charge is something that warrants the compensation that Venture seeks in this Complaint. It is clear from Venture's response to the pending motion that the services provided are for the transportation between its own end users and end office switch. In either direction, originating or terminating. The traffic is handed off in either direction to the trunk that AT&T compensates SDN for the delivery of the traffic.

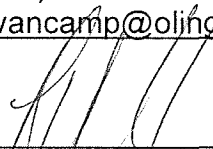
¹ *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (USF/ICC Transformation Order or USF/ICC Transformation Further Notice), aff'd, In re FCC 11-161, 753 F.3d 1015 (10th Cir. 2014) (In re FCC 11-161), cert. denied, 135 S. Ct. 2050, and 135 S. Ct. 2072 (2015).

² *Connect America Fund et al.*, Order on Reconsideration, adopted December 23, 2011.

What Venture is clearly trying to do is receive compensation beyond what the reciprocal amount that would be owed, or in this case not owed, under the parties ICA and Amendment. The plan language of the ICA Amendment states in paragraph I that all non-access traffic shall be exchange on a bill and keep basis. The Commission is in a position to review the applicable agreements, application of the existing bill and keep rules and the nature of the calls themselves that utilize Venture's facilities, and award partial summary judgment to Mobility.

Dated this 2nd day of July, 2021.

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CERTIFICATE OF SERVICE

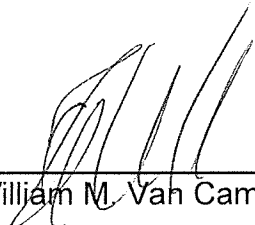
William M. Van Camp hereby certifies that on the 2nd day of July, 2021, he served the foregoing AT & T Mobility's Motion for Summary Judgment electronically with the Venture Communications Cooperative's counsel of record with copies of the same to the following persons electronically:

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