

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

DOCKET NO. CT20-001

IN THE MATTER OF THE COMPLAINT)
OF VENTURE COMMUNICATIONS) MOTION TO
COOPERATIVE AGAINST AT&T MOBILITY) AMEND COMPLAINT
)

Venture Communications Cooperative, Inc. (“Venture”), by and through its attorney of record, submits this Motion to Amend Complaint in the above-captioned proceeding and states in support thereof, the following:

1. On May 13, 2020, Venture filed a Complaint against AT&T Mobility (“AT&T M”). The Complaint alleged that AT&T M failed to pay for local interconnection facilities ordered by AT&T M from Venture and used by AT&T M to create local calling between Venture landline customers and AT&T M mobile customers.

2. The local interconnection facilities used by AT&T M to create local calling between Venture landline customers and AT&T M mobile customers were ordered pursuant to the still-effective Reciprocal Interconnection, Transport, and Termination Agreement (“ICA”) between these two parties.¹

3. AT&T M filed a Motion for Summary Judgment of Venture’s original Complaint, which was denied by this Commission in July of 2021.

4. AT&T M continued to use the interconnection facilities referenced above while the parties attempted to negotiate settlement of the Complaint.

¹ See Docket TC04-003.

5. As set forth in Venture's First Amended Complaint, attached hereto, AT&T M breached the ICA after negotiations between the parties regarding the Complaint were unsuccessful.

6. Specifically, AT&T M breached the ICA when it began to bypass the local interconnection facilities in the summer of 2022 through the unauthorized use of a transport facility partially owned by Venture. The details of this unauthorized use and the consequent breach of the ICA are discussed in greater detail in the First Amended Complaint.

7. No hearing has been held on the merits of Venture's Complaint.

8. Venture's Complaint has been compounded by AT&T M's abandonment of the direct interconnection arrangement agreed to in the ICA and improper use of an indirect interconnection facility normally used for Local Number Portability traffic.

9. As a result of AT&T M's actions, "1+" dialing has been imposed on calls that were formerly dialed as local – a situation that is directly contrary to statements made by AT&T M in pre-filed testimony.

Prayer for Relief

Venture accordingly moves for the following relief:

- A. That Venture's First Amended Complaint be accepted for filing;
- B. That the Commission issue a new procedural schedule, including additional pre-filed testimony and exhibits of the parties;
- C. For such other and further relief as the Commission deems just and reasonable.

Dated this 8th day of November, 2022.

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