

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

IN THE MATTER OF THE COMPLAINT OF)	ORDER DENYING MOTION TO
VENTURE COMMUNICATIONS)	DISMISS; ORDER DENYING
COOPERATIVE AGAINST AT&T MOBILITY)	MOTION TO AMEND COMPLAINT
)	
)	CT20-001

On May 13, 2020, Venture Communications Cooperative (Venture) filed with the South Dakota Public Utilities Commission (Commission) a Complaint against New Cingular Wireless PCS, LLC dba AT&T Mobility (Mobility) for failure to pay for local interconnection facilities ordered by Mobility in Access Service Requests at the rates set forth in Venture’s price list.

On May 14, 2020, the Commission electronically transmitted notice of the Complaint to interested individuals and entities on the Commission’s PUC Weekly Filings electronic listserv. On May 14, 2020, the Commission served the Complaint on Mobility and established an answer deadline of June 2, 2020. On May 28, 2020, Venture, Mobility, and Commission staff (Parties) filed a Stipulation and Request for Waiver of ARSD 20:10:01:09 requesting the answer deadline be extended to June 16, 2020, to allow the Parties additional time to negotiate. On June 11, 2020, the Commission issued an Order Granting Request for Waiver of ARSD 20:10:01:19; Order Establishing Answer Deadline. On June 16, 2020, Mobility filed an Answer and Counterclaim. On July 2, 2020, Venture filed a Reply to Counterclaim. On July 31, 2020, the Parties filed a Stipulation and Motion for Adoption of Procedural Schedule. On August 7, 2020, the Commission issued an Order Granting Motion for Adoption of Procedural Schedule; Order Requiring Prefiled Testimony.

On March 15, 2021, the Parties filed a Stipulation and Motion for Adoption of Revised Procedural Schedule. On March 18, 2021, the Commission issued an Order Granting Motion for Adoption of Revised Procedural Schedule; Order Adopting Revised Procedural Schedule. On May 19, 2021, Mobility filed a Motion for Partial Summary Judgment. On June 21, 2021, Venture filed its Opposition to the Motion for Partial Summary Judgment. On June 21, 2021, the Parties agreed to reschedule the July 6, 2021, dispositive motions’ hearing to July 13, 2021. On July 2, 2021, the Commission issued an Order for and Notice of Hearing for Motion for Partial Summary Judgment. On July 14, 2021, the Commission issued an Order Denying Motion for Partial Summary Judgment. On July 20, 2021, Commission staff filed a letter requesting the hearing be postponed, per the request of Venture and Mobility. On August 18, 2021, the Commission issued an Order for and Notice of Hearing, setting a hearing date of September 7, 2021. On August 27, 2021, Commission staff filed a letter requesting the September 7, 2021, hearing be postponed, per the request of Venture and Mobility. On September 1, 2021, the Commission issued an Order Cancelling Evidentiary Hearing. On November 5, 2021, Venture filed a Motion to Set Hearing Date. This motion also requested that witnesses be permitted to testify via electronic means. On November 24, 2021, the Commission issued an Order Denying Motion to Set Hearing Date; Order Denying Testimony by Electronic Means.

On November 8, 2022, Venture filed a Motion to Amend Complaint. On November 18, 2022, Mobility filed an Objection to the Motion to Amend Complaint and a Motion to Dismiss with an attached Affidavit of William M. Van Camp. On November 29, 2022, Commission staff filed a Response to Venture Communications Cooperative’s Motion to Amend Complaint and Mobility’s Motion to Dismiss. On December 15, 2022, Venture filed its Reply to Objection to Amend Complaint

and Opposition to Motion to Dismiss with an attached Affidavit of Darla Pollman Rogers.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, and 49-31.

At its regularly scheduled meeting on December 20, 2022, the Commission considered these matters. After hearing and considering the arguments of the Parties received orally during the Commission meeting and, in writing prior to the meeting, the Commission voted unanimously to deny Mobility's Motion to Dismiss. The Commission also voted unanimously to deny Venture's Motion to Amend Complaint.

It is therefore

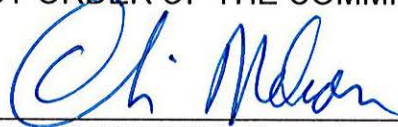
ORDERED, that Mobility's Motion to Dismiss is hereby denied. It is further

ORDERED, Venture's Motion to Amend Complaint is hereby denied.

Dated at Pierre, South Dakota, this 27th day of December 2022.

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: <u>Adam Dethlefsen</u>
Date: <u>12/27/22</u>
(OFFICIAL SEAL)

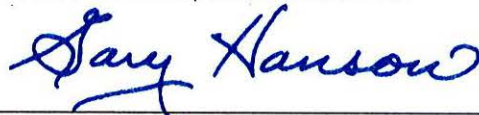
BY ORDER OF THE COMMISSION:



CHRIS NELSON, Commissioner



KRISTIE FIEGEN, Commissioner



GARY HANSON, Commissioner