

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

IN THE MATTER OF THE COMPLAINT OF)	ORDER DENYING MOTION TO
VENTURE COMMUNICATIONS)	SET HEARING DATE; ORDER
COOPERATIVE AGAINST NEW)	DENYING TESTIMONY BY
CINGULAR WIRELESS PCS, LLC DBA)	ELECTRONIC MEANS
AT&T MOBILITY)	
)	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, be postponed, per the request of Venture and Mobility. 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.

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 November 23, 2021, the Commission considered the matter. After hearing and considering the arguments of the Parties received orally during the Commission meeting and in writing prior to the meeting, the Commission, with Commissioner Fiegen dissenting, voted 2-1 to set the hearing date as December 7, 2021. The Commission voted unanimously to deny Venture's request for witnesses to testify via electronic means. Following some Commission discussion, Venture and Mobility indicated each party was agreeable to an alternative hearing date. Commissioner Hanson moved to reconsider the Motion to Set Hearing Date. The Commission voted unanimously to reconsider the Motion to Set Hearing Date and voted unanimously to deny the Motion to Set Hearing Date as December 7, 2021.

It is therefore

ORDERED, that Venture's Motion to Set Hearing Date is hereby denied. It is further

ORDERED, Venture's request for witnesses to testify via electronic means is hereby denied.

Dated at Pierre, South Dakota, this 24th day of November 2021.

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>Karen E. Cremer</u>
Date: <u>11/24/21</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner