

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

<b>IN THE MATTER OF THE COMPLAINT OF</b>	)	<b>ORDER FOR AND NOTICE OF</b>
<b>VENTURE COMMUNICATIONS COOPERATIVE</b>	)	<b>EVIDENTIARY HEARING</b>
<b>AGAINST NEW CINGULAR WIRELESS PCS, LLC</b>	)	
<b>DBA AT&amp;T MOBILITY</b>	)	<b>CT20-001</b>

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 (AT&T Mobility) for failure to pay for local interconnection facilities ordered by AT&T 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 AT&T Mobility and established an answer deadline of June 2, 2020. On May 28, 2020, Venture, AT&T Mobility, and Commission staff (Parties) filed a Stipulation and Request for Waiver of ARSD 20:10:01:09. 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, AT&T Mobility filed an Answer and Counterclaim. On July 2, 2020, Venture filed a Reply to Counterclaim. On August 7, 2020, the Commission issued an Order Granting Motion for Adoption of Procedural Schedule; Order Adopting Procedural Schedule; Order Requiring Prefiled Testimony. On March 18, 2021, the Commission issued an Order Granting Motion for Adoption of Revised Procedural Schedule; Order Adopting Revised Procedural Schedule. 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 stating the Parties wished to postpone the August 3, 2021 hearing to September 2021.

The Commission has jurisdiction over this matter pursuant to SDCL 1-26, 49-13, 49-31, and ARSD Chapter 20:10:01. The Commission may rely upon any or all of these or other laws of this state in making its determination.

A hearing will be held by the Commission beginning at 2:30 p.m., Tuesday, September 7, 2021, with marking of exhibits to begin at 1:30 p.m., Tuesday, September 7, 2021, in Room 414 of the State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota.

At the hearing, each party will be permitted to present an opening statement summarizing the evidence that such party will offer into evidence and to briefly and concisely state the issues involved in the case. The issue to be determined by the Commission is whether to award the requested relief as to any one or all of the issues raised by the Complaint and Counterclaim.

The hearing will be a quasi-judicial adversarial proceeding conducted pursuant to SDCL Chapter 1-26. All parties will have the opportunity to appear, present evidence, cross-examine the other parties' witnesses, and exercise all other rights afforded by SDCL Chapters 1-26, 49-13, 49-31, and ARSD Chapters 20:10:01. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights will be forfeited if not exercised at the hearing. All persons testifying will be subject to cross-examination. The Commission's final decision will be based solely on the testimony and evidence offered and received into evidence at the hearing. If a party or its representative fails to appear at the time and place set for the hearing, a decision may be issued

by default pursuant to SDCL 1-26-20. As a result of this hearing, the Commission will make a decision, including findings of fact and conclusions of law, on the issue set forth above. The Commission's final decision may be appealed by the parties to the circuit court and the State Supreme Court as provided by law. It is therefore

ORDERED, that a hearing will be held beginning at 2:30 p.m., Tuesday, September 7, 2021, with marking of exhibits to begin at 1:30 p.m., Tuesday, September 7, 2021, in Room 414 of the State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota.

Pursuant to the Americans with Disabilities Act, this hearing is being held in physically accessible location. Please contact the Public Utilities Commission at (605) 773-3201 or (800) 332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 18<sup>th</sup> day of August 2021.

<b>CERTIFICATE OF SERVICE</b>
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 or by mail.
By: <u>Adam DeHueck</u>
Date: <u>8/18/21</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner