

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

IN THE MATTER OF THE COMPLAINT OF VENTURE COMMUNICATIONS COOPERATIVE AGAINST AT&T MOBILITY))))	ORDER FOR AND NOTICE OF EVIDENTIARY HEARING CT20-001
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On May 13, 2020, Venture Communications Cooperative (Venture) filed with the South Dakota Public Utilities Commission (Commission) a Complaint against 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 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, AT&T 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 Adopting Procedural Schedule; Order Requiring Prefiled Testimony.

On September 22, 2020, Venture filed its pre-filed testimony (Jandreau, Houdek). On October 22, 2020, AT&T Mobility filed its pre-filed testimony (Brown and Le). On November 23, 2020, Venture filed its pre-filed rebuttal testimony (Jandreau). On March 4, 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, AT&T Mobility filed a Motion for Partial Summary Judgment, a Statement of Undisputed Material Facts, and Affidavit of William Van Camp, exhibits, and a Memorandum in Support of Motion. On June 21, 2021, Venture filed its Opposition to the Motion for Partial Summary Judgment, Affidavit of Fay Jandreau, Response to Statement of Undisputed Material Facts. On July 2, 2021, ATT&T Mobility filed its Reply in Support of its Motion for Partial Summary Judgment. On July 14, 2021, the Commission issued an Order Denying Motion for Partial Summary Judgment.

On November 5, 2021, Venture filed a Motion to Set Hearing Date. 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, AT&T Mobility filed its Objection to the Motion to Amend Complaint and it filed a Motion to Dismiss and Affidavit of William Van Camp. On November 29, 2022, Commission staff filed its Response to Venture's Motion to Amend Complaint and AT&T Mobility's Motion to Dismiss. On December 15, 2022, Venture filed its Reply to Objection to Amend Complaint and Opposition to Motion to Dismiss and Affidavit of Darla Pollman Rogers. On December 27, 2022, the Commission issued an Order Denying Motion to Dismiss; Order Denying Motion to Amend Complaint.

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 1:00 p.m., Thursday, April 13, 2023, with the marking of exhibits to begin at 12:30 p.m., in Room 413 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 by the Commission beginning at 1:00 p.m., CDT Thursday, April 13, 2023, with the marking of exhibits to begin at 12:30 p.m. CDT, in Room 413 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 10th day of March 2023.

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 and mail.
By: <u>Adam de Huelck</u>
Date: <u>3/13/23</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner