

**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>HEARING FOR MOTION FOR</b>
<b>AGAINST AT&amp;T MOBILITY</b>	)	<b>PARTIAL SUMMARY JUDGMENT</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 AT&T Mobility (Mobility) for failure to pay for local interconnection facilities ordered by Mobility in Access Service Requests (ASRs) 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.

The Commission has jurisdiction over this matter pursuant to SDCL 1-26, 15-6-56, 49-1, 49-13, 49-31, and ARSD Chapter 20:10:01. The Commission may rely upon any or all of these laws or other laws of this state in making its determination.

The hearing will be a quasi-judicial adversarial proceeding conducted pursuant to SDCL Chapter 1-26. 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. The Commission will consider all pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, and the arguments of counsel presented at the hearing and may grant, deny or grant in part and deny in part Mobility's Motion for Partial Summary Judgment. To the extent the Commission's decision results in a final decision or to the extent the decision results in an appealable interlocutory decision, it 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 on Mobility's Motion for Partial Summary Judgment will be held on July 13, 2021, at 1:00 pm, in Room 413 of the State Capitol Building, 500 E. Capitol Ave., 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 2<sup>nd</sup> day of July 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.
By: <u>Adam Hettrick</u>
Date: <u>7/2/21</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson  
CHRIS NELSON, Chairman

Kristie Fiegen  
KRISTIE FIEGEN Commissioner

Gary Hanson  
GARY HANSON, Commissioner