

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

IN THE MATTER OF THE COMPLAINT OF)	ORDER SETTING POST-
VENTURE COMMUNICATIONS COOPERATIVE)	HEARING BRIEFING
AGAINST AT&T MOBILITY)	SCHEDULE
)	
)	CT20-001

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.

The evidentiary hearing was held as scheduled, beginning on April 13, 2023, and ending on April 14, 2023. At the conclusion of the evidentiary hearing, a briefing schedule was set by the Commission. It is therefore

ORDERED, that a post-hearing brief shall be filed and served by Venture no later than 10:00 a.m., twenty days after the transcript is delivered to the parties; AT&T Mobility and Commission staff shall file and serve its brief no later than 10:00 a.m. twenty days after Venture files its initial brief; and Venture shall file and serve its final brief no later than 10:00 a.m. fifteen days after AT&T Mobility files its brief. A party may also voluntarily submit proposed findings of fact and conclusions of law with its brief.

Dated at Pierre, South Dakota, this 21st day of April 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><i>Adrian O'Hare</i></u>
Date: <u>4/21/23</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chi Nelson
CHRIS NELSON, Commissioner