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SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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July 15, 2011

Patricia Van Gerpen
SD PUC Executive Director
500 E. Capitol Ave
Pierre, SD 57501

Re: TC11-010

Dear Ms. Van Gerpen;

Aventure Telecommunications Technology LLC (Aventure) filed a revised access tariff on March 18, 2011. Upon a request for hearing to determine the reasonableness of a "rate, price or practice" the tariff may be suspended for 180 days. (SDCL 49-31-12.4) Several parties intervened and requested a hearing. The parties to this docket ultimately agreed to a 240 day suspension of the tariff and hearing dates were noticed for September 14 and 15, 2011.

On June 21, 2011 AT&T, an intervener, filed a Motion for Summary Judgment and the parties agreed to a briefing and oral argument schedule. On July 13, 2011, Aventure amended its tariff filing. The amendment is directly relevant to an argument raised in AT&T's Motion for Summary Judgment. On July 14, 2011 Aventure filed its reply to the Motion for Summary Judgment and addressed a second major element in AT&T's Summary Judgment Motion. Specifically, Aventure stated, "the billing dispute provisions of Aventure's proposed intrastate tariff will be amended to conform to South Dakota rules." Due to the substantive nature of the revised filings, it is arguable the 180 day suspension re-starts. Further, it is appropriate to allow all parties the opportunity to react to the July 13 filing and any additional revisions Aventure makes.

Staff received agreement from all parties regarding the following:

- 1) The current summary judgment procedural schedule is considered vacated.
- 2) The 180 day suspension pursuant to SDCL 49-31-12.4 shall restart from the date Aventure files revised "billing dispute" provisions.
- 3) Staff will work with the parties to schedule a new hearing date within the new 180 day suspension period.
- 4) A new pre-hearing motion procedural schedule shall be drafted upon receipt of an updated brief or motion from any party.

Staff appreciates the cooperation offered by all parties in this matter. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kara Semmler". The signature is fluid and cursive, with the first name "Kara" being more prominent and the last name "Semmler" following in a similar style.

Kara Semmler

cc. Service list