

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE FILING	:	
BY AVENTURE COMMUNICATION	:	
TECHNOLOGY, L.L.C. d/b/a	:	DOCKET NO. TC11-010
AVENTURE COMMUNICATIONS'	:	
ACCESS TARIFF NO. 3	:	

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**APPLICATION TO WITHDRAW TARIFF**

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Aventure Communication Technology, L.L.C. ("Aventure"), submits its application to withdraw its proposed tariff filed March 17, 2011. In support of its application, Aventure states:

1. Aventure filed this tariff in an attempt to maintain consistency in terms and conditions of service between Aventure's FCC Tariff No. 3 effective December 31, 2010, and its intrastate access tariffs.

2. On October 25, 2011, a hearing was held before the Commission on AT&T's Motion for Summary Judgment to declare the proposed tariff unlawful as a matter of law. The Commission overruled AT&T's Motion for Summary Judgment except as to the billing dispute provisions of the tariff which the Commission ordered stricken and the provisions from Aventure's existing tariff substituted. The Commission indicated that other issues raised in AT&T's motion should be resolved after evidentiary hearing.

3. During the discussion with the Commission on AT&T's motion on October 25, it became clear that one or more commissioners were concerned about the definition of "End User" utilized in the tariff along with other potential concerns.

4. Aventure is aware that on October 27, 2011, the FCC is expected to issue a comprehensive order on intercarrier compensation including issues of access stimulation. It is

quite possible that after this order is issued, Aventure's FCC tariff may need to be modified which would also mean the proposed intrastate access tariff that is the subject of this docket may require modification.

5. Given the concerns expressed by one or more commissioners with regard to Aventure's proposed tariff, the ruling on the billing dispute provisions, and the pending FCC order on intercarrier compensation, Aventure would request to withdraw its proposed tariff pending before the Commission. Aventure may refile a revised tariff at a later date.

6. Aventure requests that the Commission enter an order permitting Aventure to withdraw its proposed tariff and closing this docket.

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on October 27, 2011.

BY:     U.S. Mail                       FAX  
          Hand Delivered               Overnight Courier  
          Certified Mail                 X ECF

/S/ PAUL D. LUNDBERG