

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

<b>IN THE MATTER OF THE APPROVAL OF THE )</b>	<b>ORDER DENYING MOTION</b>
<b>PETITION FOR ARBITRATION OF AN )</b>	<b>TO DISMISS; ORDER</b>
<b>INTERCONNECTION AGREEMENT BETWEEN )</b>	<b>BIFURCATING ISSUE</b>
<b>MIDCONTINENT COMMUNICATIONS AND )</b>	
<b>JAMES VALLEY COOPERATIVE TELEPHONE )</b>	
<b>COMPANY )</b>	<b>TC21-124</b>

On December 6, 2021, the Public Utilities Commission (Commission) received a Petition for Arbitration of an Interconnection Agreement Between Midcontinent Communications (Midcontinent) and James Valley Cooperative Telephone Company (James Valley) from Midcontinent. On December 22, 2021, James Valley filed a Motion to Dismiss Untimely Petition, asserting that Midcontinent failed to timely file its Petition for Arbitration. On December 27, 2021, the South Dakota Telecommunications Association (SDTA) filed a Limited Petition to Intervene, requesting intervention solely for the purposes of addressing whether Midcontinent is required to obtain a Certificate of Authority to provide the services contemplated under its proposed interconnection agreement. On December 28, 2021, Commission Staff (Staff) filed a letter regarding scheduling and a response to the Motion to Dismiss. On December 29, 2021, Midcontinent filed Opposition to Motion to Dismiss. On December 29, 2021, Staff filed Consent to Intervention and a Motion to Bifurcate Issue and Scheduling Hearing. On December 30, 2021, James Valley filed a Reply to Staff and Midcontinent's Responses to Motion to Dismiss. On January 3, 2022, James Valley filed a Response to Midcontinent's Petition for Arbitration.

On December 9, 2021, the Commission electronically transmitted notice of the filing to interested individuals and entities on the Commission's PUC Weekly Filing electronic listserv.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31 and ARSD 20:10:32.

At its regularly scheduled meeting on January 4, 2022, the Commission considered James Valley's Motion to Dismiss. Having reviewed the filed documents and the arguments of the parties, the Commission voted unanimously to deny the Motion to Dismiss.

All Parties agreed to the bifurcation of one issue that the Parties deemed to be a threshold issue in the docket. The parties further agreed to tolling or otherwise extending ARSD 20:10:32:32 during the time necessary to determine and resolve their threshold issue in the docket. Finding good reason to bifurcate and toll or otherwise extend the arbitration deadline, the Commission unanimously granted Staff's Motion to Bifurcate Issue.

It is therefore

ORDERED, that James Valley's Motion to Dismiss is hereby denied. It is further

ORDERED, that Staff's Motion to Bifurcate Issue is hereby granted. It is further

ORDERED, that the Parties shall work together to develop a procedural schedule for briefing, hearing, and tolling the bifurcated issue.

Dated at Pierre, South Dakota, this 10th day of January 2022.

**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 or by mail.

By: Adam DeHueck

Date: 1/6/22

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson  
CHRIS NELSON, Commissioner

Kristie Fiegen  
KRISTIE FIEGEN, Commissioner

Gary Hanson  
GARY HANSON, Commissioner