

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

IN THE MATTER OF THE APPROVAL OF THE)	ORDER APPROVING
PETITION FOR ARBITRATION OF AN)	INTERCONNECTION
INTERCONNECTION AGREEMENT)	AGREEMENT
BETWEEN MIDCONTINENT)	
COMMUNICATIONS AND JAMES VALLEY)	TC21-124
COOPERATIVE TELEPHONE COMPANY)	

On December 6, 2021, the South Dakota Public Utilities Commission (Commission) received a filing for Arbitration of an Interconnection Agreement Between Midcontinent and James Valley Cooperative Telephone Company (Petition). Midcontinent Communications (Midcontinent) filed the Petition requesting arbitration of the terms of an interconnection agreement between Midcontinent and James Valley Cooperative Telephone Company (James Valley) for the exchange of traffic between Midcontinent and James Valley in the James Valley service area in South Dakota.

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

On December 22, 2021, James Valley filed a Motion to Dismiss Untimely Petition, asserting that Midcontinent failed to timely file its Petition for Arbitration. 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 as filed with its Petition.

On January 6, 2022, the Commission issued an Order Denying Motion to Dismiss; Order Bifurcating Issue. The bifurcated issue is whether Midcontinent is required to get a Certificate of Authority from the Public Utilities Commission to provide the services contemplated in Midcontinent's Proposed Interconnection Agreement. On March 18, 2022, the Commission issued an Order Ruling on the Bifurcated COA Issue.

On March 31, 2022, the Commission set a procedural schedule for arbitration of an interconnection agreement and assessed a filing fee. On April 4, 2022, the Parties filed a Stipulated Modification to Procedural Schedule. On April 12, 2022, James Valley filed Disputed Provision in Interconnection Agreement with Midcontinent. On April 19, 2022, Midcontinent filed Response to James Valley's List of Disputed Issues. On April 25, 2022, James Valley filed a Reply to Midcontinent's List of Disputed Issues. Following the procedural schedule, on May 5, 2022, Midcontinent filed a Motion to Compel, which was ultimately denied by the Commission after a hearing. On May 6, 2022, Midcontinent filed a Motion to Strike, which, after a hearing, the Commission granted.

The parties negotiated and entered into an interconnection agreement. A Notice of Settlement and Request for Approval of Interconnection Agreement was filed on May 20, 2022. After which, the Commission electronically transmitted notice of the Interconnection Agreement and opportunity to comment to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv on June 2, 2022. No petitions to intervene or comments were

filed.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31 and the Telecommunications Act of 1996.

At its July 5, 2022, meeting, the Commission considered whether to approve the negotiated Interconnection Agreement between Midcontinent and James Valley. Commission staff recommended approval.

In accordance with 47 U.S.C § 252(e)(2), the Commission found that the Interconnection Agreement does not discriminate against a telecommunications carrier that is not a party to the Interconnection Agreement and the Interconnection Agreement is consistent with the public interest, convenience, and necessity. The Commission voted unanimously to approve the Interconnection Agreement. It is therefore

ORDERED, that the Commission hereby approves the Interconnection Agreement between Midcontinent Communications and James Valley Cooperative Telephone Company.

Dated at Pierre, South Dakota, this 7th day of July 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 and mail.
By: <u>Adam de Hueck</u>
Date: <u>7/7/22</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner