

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

**IN THE MATTER OF THE APPROVAL OF THE)
PETITION FOR ARBITRATION OF AN)
INTERCONNECTION AGREEMENT BETWEEN)
MIDCONTINENT COMMUNICATIONS AND)
JAMES VALLEY COOPERATIVE TELEPHONE)
COMPANY)**

**ORDER ADOPTING
PROCEDURAL SCHEDULE**

TC21-124

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 January 6, 2022, the Commission issued an Order Bifurcating Issue. On January 13, 2022, Staff filed a letter regarding the Bifurcated Issue. On January 18, 2022, Midcontinent filed a Revised Proposed Schedule. The proposal offered a procedural schedule regarding the bifurcated issue as well as a schedule regarding the remainder of the arbitration proceeding, pending availability of the proposed hearing date on the Commission's calendar.

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 20:10:01:15.05 and 20:10:32.

At its regularly scheduled meeting on January 18, 2022, the Commission considered Midcontinent's proposed procedural schedule. SDTA, James Valley and Staff did not object to the proposed procedural schedule as it pertains to the bifurcated issue. The Commission voted unanimously to adopt the procedural schedule through March 15, 2022. It is therefore

ORDERED, that the procedural schedule regarding the bifurcated issue is as follows:

- Discovery Responses January 27, 2022
- All Parties Initial Briefs on Bifurcated Legal Issue February 17, 2022
- All Parties Responsive Briefs on Bifurcated Legal Issue March 3, 2022
- Commission Hearing on Bifurcated Legal Issue March 15, 2022

It is further ORDERED, that James Valley and Midcontinent shall work with Staff to determine a hearing date for the arbitration which is available on the Commission's calendar and the remaining procedural schedule accordingly, in accordance with the general framework presented in Midcontinent's proposed procedural schedule.

Dated at Pierre, South Dakota, this 21st day of January 2022.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u>Karen E. Bremer</u></p> <p>Date: <u>01/21/22</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Commissioner

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner