

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

IN THE MATTER OF THE APPROVAL OF)	ORDER DENYING MOTION TO
THE PETITION FOR ARBITRATION OF)	COMPEL; ORDER GRANTING
AN INTERCONNECTION AGREEMENT)	MOTION TO STRIKE
BETWEEN MIDCONTINENT)	
COMMUNICATIONS AND JAMES)	
VALLEY COOPERATIVE TELEPHONE)	TC21-124
COMPANY)	

On December 6, 2021, the South Dakota Public Utilities Commission (Commission) received a Petition for Arbitration of an Interconnection Agreement Between Midcontinent Communications 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 Filing 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. 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 as filed with its Petition.

On December 29, 2021, Staff filed Consent to Intervention and a Motion to Bifurcate Issue and Scheduling Hearing. 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 January 13, 2022, Staff filed a letter regarding the Bifurcated Issue, notifying the Commission of the specific question to be answered, as agreed to by all parties. On January 18, 2022, Midcontinent filed a Revised Proposed Schedule. On February 17, 2022, the parties filed Briefs on Bifurcated Issue. On March 3, 2022, the parties filed Reply Briefs on Bifurcated Issue. 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 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. On May 6, 2022, Midcontinent filed a Motion to Strike.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 49-31, and 15-6.

At an ad hoc commission meeting on May 13, 2022, the Commission considered this matter. Having heard the arguments and admissions of the parties, having considered all the written and oral arguments, and finding that Midcontinent failed to satisfy the meet and confer requirement found in SDCL 15-6-37(a)(2), the Commission unanimously voted to deny Midcontinent's Motion to Compel. Finding James Valley's filing did not comply with the procedural schedule, the Commission voted unanimously to grant Midcontinent's Motion to Strike. It is therefore

ORDERED, that Midcontinent's Motion to Compel is hereby denied. It is therefore

ORDERED, that Midcontinent's Motion to Strike is hereby granted.

Dated at Pierre, South Dakota, this 16th day of May 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:	<u>Adam de Hueck</u>
Date:	<u>5/16/22</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Commissioner

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner