

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

IN THE MATTER OF THE APPROVAL OF)	ORDER FOR AND NOTICE OF
THE PETITION FOR ARBITRATION OF)	MOTION HEARING ON LESS
AN INTERCONNECTION AGREEMENT)	THAN 10 DAYS' NOTICE
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. James Valley, Midcontinent, and Staff agreed to establishing a procedural schedule and ordering a filing fee. The Parties further agreed that it would be appropriate to base the procedural schedule on Midcontinent's January 18 filing, with future dates adjusted as appropriate. Following the 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 in this matter pursuant to SDCL Chapters 1-26 and 49-31, specifically SDCL 49-31-44 and 49-31-81 and ARSD 20:10:32, as well as 47 USC §§ 251 and 252. Pursuant to ARSD 20:10:01:22.02, the Commission may order a hearing on less than ten

252. Pursuant to ARSD 20:10:01:22.02, the Commission may order a hearing on less than ten days' notice if the Commission determines good cause exists therefor. The Commission finds that because this matter should be resolved expeditiously so the parties can comply with federally imposed arbitration time frames, good cause exists to hear the motion on less than ten days' notice.

It is therefore

ORDERED, that a hearing on Midcontinent's Motion to Compel and Motion to Strike will be held at a special ad hoc meeting on May 13, 2022, at 9:30 a.m., CDT, in Room 413 of the Capitol Building, 500 E. Capitol Ave., Pierre, South Dakota.

Dated at Pierre, South Dakota, this 10th 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 DetHueck</u>
Date: <u>5/10/22</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Commissioner

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner