

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

|   |   |                               |
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| <b>IN THE MATTER OF THE APPROVAL OF</b> | ) | <b>ORDER ESTABLISHING</b>     |
| <b>THE PETITION FOR ARBITRATION OF</b>  | ) | <b>PROCEDURAL SCHEDULE;</b>   |
| <b>AN INTERCONNECTION AGREEMENT</b>     | ) | <b>ORDER ASSESSING FILING</b> |
| <b>BETWEEN</b>                          | ) | <b>FEE</b>                    |
| <b>MIDCONTINENT</b>                     | ) |                               |
| <b>COMMUNICATIONS AND JAMES</b>         | ) |                               |
| <b>VALLEY COOPERATIVE TELEPHONE</b>     | ) |                               |
| <b>COMPANY</b>                          | ) | <b>TC21-124</b>               |

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.

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.

At its regularly scheduled meeting on March 29, 2022, the Commission considered setting a procedural schedule and assessing 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. It is therefore

ORDERED, that the procedural schedule is as follows:

|   |                 |
|---|-----------------|
| Pre-hearing Conference .....  | April 1, 2022   |
| Discovery Requests for Arbitration Due .....                                  | April 4, 2022   |
| James Valley List of Disputed Agreement Provisions Due.....                   | April 11, 2022  |
| Midco Response to James Valley List of Disputed Agreement Provisions Due....  | April 19, 2022  |
| Discovery Responses Due.....  | April 26, 2022  |
| Prefiled Testimony and Proposed Terms for Interconnection Agreement Due.....  | May 10, 2022    |
| Evidentiary Hearing.....  | May 24-25, 2022 |
| Initial Post-Hearing Briefs Due .....   | June 7, 2022    |
| Reply Briefs and Final Proposed Terms for Interconnection Agreement Due ..... | June 14, 2022   |
| Commission Decision on Arbitration Issues .....                               | July 5, 2022    |
| Submission of Arbitrated Agreement for Approval.....                          | August 4, 2022  |
| Submission of Comments on Arbitrated Agreement.....                           | August 11, 2022 |
| Submission of Reply Comments on Arbitrated Agreement.....                     | August 18, 2022 |
| Commission Decision Approving Arbitrated Agreement.....                       | August 30, 2022 |

It is further

ORDERED that Midcontinent and James Valley shall be equally assessed a filing fee pursuant to SDCL 49-31-44 for actual expenses incurred by the Commission commencing from March 18, 2022.

Dated at Pierre, South Dakota, this 31<sup>st</sup> day of March 2022.

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|---|----------------------|
| <b>CERTIFICATE OF SERVICE</b>   |                      |
| 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 deHuelle</u> |
| Date:   | <u>3/31/22</u>       |
| (OFFICIAL SEAL)   |                      |

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Commissioner

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner