

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

IN THE MATTER OF THE PETITION OF)	ORDER GRANTING MOTION
NORTH AMERICAN LOCAL, LLC FOR)	TO DEFER
APPROVAL OF RECLASSIFICATION AS A)	
FACILITIES-BASED ELIGIBLE)	
TELECOMMUNICATIONS CARRIER)	TC23-046

On September 29, 2023, North American Local, LLC (NAL) filed with the Commission a Petition for Reclassification as a Facilities-Based Eligible Telecommunications Carrier (Petition). In this docket, NAL seeks this reclassification for the purpose of offering Lifeline services on a wireless basis in the State of South Dakota.

On October 5, 2023, the Commission electronically transmitted notice of the filing and the intervention deadline of October 20, 2023, to interested individuals and entities on the Commission’s PUC Weekly Filing electronic listserv. On October 2, 2023, the South Dakota Telecommunications Association (SDTA) filed a Petition to Intervene. On October 12, 2023, the Commission issued an Order Granting Intervention to SDTA.

On January 22, 2024, SDTA filed a Motion to Dismiss and a Motion to Compel Discovery. In the Motion to Dismiss, SDTA requests the Commission dismiss the Petition or in the alternative that the Commission issue an order clarifying that the Petition will be handled as a new request for eligible telecommunications carrier (ETC) designation. In the Motion to Compel Discovery, SDTA seeks to compel NAL to provide documents in response to SDTA’s discovery requests. On January 31, 2023, the Commission issued a Notice of Hearing for these Motions, requiring responsive briefs to be filed by NAL and Commission staff no later than February 26, 2024; requiring SDTA’s reply to be filed by March 7, 2024; and providing notice that a hearing would be held on March 12, 2024. On February 20, 2024, NAL filed a supplemental filing and FCC Ex Parte Letter. On February 27, 2024, Commission Staff filed a Brief Regarding SDTA’s Motion to Dismiss NAL’s Petition for Reclassification or, in the Alternative, Motion for Clarification and a Response to SDTA’s Motion to Compel Discovery and SDCL 15-6-37(a) Certification. On February 27, 2024, SDTA filed a Reply to Staff’s Brief Regarding the Motion to Dismiss NAL’s Petition for Reclassification or, in the Alternative, Motion for Clarification. On February 29, 2024, SDTA filed a Response to Staff’s Brief Regarding SDTA’s Motion to Compel Discovery. On March 7, 2024, SDTA and Commission Staff received Comments of North American Local and Opposition to SDTA’s Motion to Dismiss and Compel Responses to Discovery, and Notice of Appearance (Jay C. Shultz, The Schultz Law Firm, Prof. LLC) from NAL. On March 8, 2024, SDTA filed a Motion to Defer. On March 8, 2024, Commission staff filed a Letter Supporting SDTA’s Motion to Defer. On March 8, 2024, NAL filed North American Local, LLC’s Response to SDTA’s Motion to Defer, Comments of North American Local and Opposition to SDTA’s Motion to Dismiss and Compel Responses to Discovery, and Notice of Appearance (Jay C. Shultz, The Schultz Law Firm, Prof. LLC).

The Commission has jurisdiction over this matter pursuant to SDCL 1-26, 15-6, 49-1, 49-31, and ARSD Chapter 20:10:01. The Commission may rely upon any or all of these laws or other applicable laws in making its decision.

At its regularly scheduled meeting of March 12, 2024, the Commission considered SDTA’s

Motion to Defer and heard argument from the parties. The Commission voted 2-1 to grant SDTA's Motion to Defer and to require that SDTA's Reply Brief to be filed by March 19, 2024, Commissioner Nelson dissenting. It is therefore

ORDERED, that SDTA's Motion to Defer is hereby granted and this hearing on the Motion to Dismiss and Motion to Compel Discovery will be heard at the regularly scheduled Commission Meeting on March 26, 2024. It is further

ORDERED, that SDTA's Reply Brief be filed with the Commission by 5:00 p.m., March 19, 2024.

Dated at Pierre, South Dakota, this 19th day of March 2024.

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><i>Kristie Fiegen</i></u>
Date:	<u>19 March 2024</u>

BY ORDER OF THE COMMISSION:

Kristie Fiegen

KRISTIE FIEGEN, Chairperson

Gary Hanson

GARY HANSON, Commissioner

CHRIS NELSON, Commissioner
Dissenting