

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

**IN THE MATTER OF THE PETITION OF NORTH )  
AMERICAN LOCAL, LLC FOR APPROVAL OF )  
RECLASSIFICATION AS A FACILITIES-BASED )  
ELIGIBLE TELECOMMUNICATIONS CARRIER )**

**ORDER FOR AND NOTICE OF )  
MOTION HEARING )  
  
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. The South Dakota Telecommunications Association (SDTA) has been granted intervention.

On January 22, 2024, SDTA filed a Motion to Dismiss and a Motion to Compel. The Motion to Dismiss requests the Commission dismiss the Petition on the grounds the Petition is in violation of the settlement agreement between the same parties in Docket No. TC19-009 and on the grounds that the relief sought in the Petition, namely reclassification, is not available under South Dakota Law. In the alternative, SDTA seeks clarification from the Commission as to whether the Commission will evaluate the Petition in this docket as if it were a new request for designation as an eligible telecommunications carrier (ETC).

In its Motion to Compel, SDTA requests the Commission issue an order compelling NAL to respond to discovery requests served upon NAL by SDTA. SDTA specifically requests NAL be compelled to provide answers or produce documents with respect to SDTA's Discovery Request questions 2, 3, 4, and 7.

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 makes its decision.

It is therefore

ORDERED, that a hearing on the Motion to Dismiss and the Motion to Compel will be held by the Commission in connection with its regular meeting on March 12, 2024, beginning at 9:30 A.M. CDT in Room 413, Capitol Building, Pierre, SD. It is further

ORDERED, that responsive briefs from NAL and Commission Staff are due by 5:00 P.M. CST on February 26, 2024, and SDTA may file a reply by 5:00 P.M. CST on March 7, 2024.

Dated at Pierre, South Dakota, this 31<sup>st</sup> day of January 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>Kristin Edwards</i></u>
Date:	<u>31 Jan 2024</u>

BY ORDER OF THE COMMISSION:

*Kristie Fiegen*  
KRISTIE FIEGEN, Chairperson

*Gary Hanson*  
GARY HANSON, Commissioner

*Chris Nelson*  
CHRIS NELSON, Commissioner