



Kristie Fiegen, Chairperson  
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*South Dakota*

**PUBLIC UTILITIES COMMISSION**

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December 11, 2024

Patricia Van Gerpen  
Executive Director  
SD Public Utilities Commission  
500 E. Capitol Ave.  
Pierre, SD 57501

**RE: TC24-003 - In the Matter of the Filing of IM Telecom, LLC dba Infiniti Mobile's Petition for Designation as an Eligible Telecommunications Carrier in the State of South Dakota for the Limited Purpose of Providing Lifeline Service to Qualifying Customers**

Dear Ms. Van Gerpen,

Commission staff (Staff) hereby submits this Letter in anticipation of the December 17, 2024 Commission meeting. According to the agenda for this meeting, the Commission will decide whether to reconsider its December 3, 2024 decision regarding docket TC24-003 so that a record can be established upon which the Commission will base its final decision.

If the Commission votes to reconsider, the next issue to be addressed is how the parties will proceed. Staff, the Applicant, and SDTA have agreed in essence to a Joint Stipulation which establishes what will comprise the record, waives each party's right to an evidentiary hearing, and allows for the matter to be heard at a regularly scheduled Commission meeting. Staff is gathering signatures and will file the Joint Stipulation as soon as it is completed. Staff requests the Commission approve the Joint Stipulation so long as the Commission has had sufficient time for review.

Finally, if the Commission votes to reconsider and also to approve the Joint Stipulation, Staff requests the Commission defer its final decision on the docket to the next available Commission meeting.<sup>1</sup> The Applicant agrees with this request. Staff believes this request is prudent because, until the Joint Stipulation is approved, the Commissioners and parties alike cannot know what path this docket will take. For example, if no stipulation was in place, a party could request an evidentiary hearing which would require 10 days notice. Staff believes a deferral would provide clarity to all involved as to when the final hearing on this docket will occur. Additionally, the Applicant has recently made revisions to its plans which the Commissioners may want additional time to review.

For these reasons, following a vote to reconsider, Staff requests the Commission 1) approve the Joint Stipulation between the parties and 2) defer the Commission's final decision on this docket to the next available Commission meeting.

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<sup>1</sup> Items #5 and #6 of the Joint Stipulation contemplate the Commission making an ultimate decision on docket TC24-003 at the December 17, 2024 Commission meeting. However, Staff anticipated having the Joint Stipulation filed at least a week in advance of the Commission meeting in order for this to occur. Because that did not happen, Staff supports deferral.

Dated this 11<sup>th</sup> day of December, 2024.

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