

**ZONE TELECOM, INC.****FAX****To: South Dakota PUC – K. Semmler****Fax: 866-757-6031****Date: June 26, 2009****Number of pages including cover sheet: 4****From: Eamon P.M. Egan****ZONE Telecom, Inc.  
3 Executive Campus  
Suite 520  
Cherry Hill, NJ 08002  
Phone: 856-414-6904  
Fax: 856-667-2551**

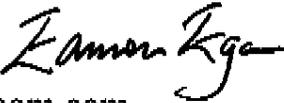
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Ms. Semmler: As my colleague Jill Papenhausen reported, we attempted to file the following electronically, twice from my Zonetelecom.com account, and once from my personal Yahoo account (thinking that might evade whatever was blocking the attempts). All bounced back.

I believe e-mails serving the documents on other parties, and yourself, all arrived (at least we have no record of them bouncing back) however the multiple e-mails to PUCDOCKETFILING and to your colleague Ms. Van Herpen did not reach their destination. Accordingly I now fax the necessary documents.

Thank you for your assistance in this matter.

Eamon Egan

  
eeagan@zonetelecom.com



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**E-File: PUCDOCKETFILING@state.sd.us**

Patricia Van Herpen  
Executive Director  
SD Public Utilities Commission  
500 E. Capitol Avenue  
Pierre SD 57501

25 June, 2009

RE: Motion to Dismiss (Docket CT09-001)

Dear Ms. Van Herpen:

Further to our letter of 24 June, 2009 to your office, enclosed for filing is Zone Telecom, Inc.'s Motion to Dismiss. We confirm that the Complainant has filed a similar Motion with the Commission under separate cover.

Regards,

Eamon P. M. Egan

Enclosure  
C: Service List



In the Matter of the Complaint filed by )  
 Brian Hankel, Hartford, South Dakota, Against ) DOCKET No. CT09-001  
 Sprint Communications Company L.P., Zone )  
 Telecom, Inc., and Express Communications, Inc. )  
 Regarding Unauthorized Switching of Services )

### CERTIFICATE OF SERVICE

The undersigned certifies that on this 25th day of June, 2009, a copy of the Motion to Dismiss was served by electronic mail to the parties listed below:

|   |  |
|---|--|
| MS.PATRICIA VAN HERPEN<br>EXECUTIVE DIRECTOR<br>SOUTH DAKOTA PUBLIC<br>UTILITIES COMMISSION<br>500 EAST CAPITOL<br>PIERRE, SD 57501<br><a href="mailto:patty.vanherpen@state.sd.us">patty.vanherpen@state.sd.us</a> | MS.KARA SEMMLER<br>STAFF ATTORNEY<br>SOUTH DAKOTA PUBLIC UTILITIES<br>COMMISSION<br>500 EAST CAPITOL<br>PIERRE, SD 57501<br><a href="mailto:kara.semmler@state.sd.us">kara.semmler@state.sd.us</a> |
| MS. DEB GREGG<br>CONSUMER AFFAIRS<br>DIRECTOR<br>SOUTH DAKOTA PUBLIC<br>UTILITIES COMMISSION<br>500 EAST CAPITOL<br>PIERRE, SD 57501<br><a href="mailto:Deb.gregg@state.sd.us">Deb.gregg@state.sd.us</a>            | MR. WILLIAM HEASTON<br>DIRECTOR,<br>BUSINESS DEVELOPMENT<br>EXPRESS COMMUNICATIONS, LLC<br><a href="mailto:bill.heaston@sdncommunications.com">bill.heaston@sdncommunications.com</a>              |
| MR. TALBOT WIECZOREK<br>GUNDERSON, PALMER,<br>NELSON & ASHMORE, LLP<br>440 MT. RUSHMORE ROAD<br>RAPID CITY, SOUTH<br>DAKOTA 57709<br><a href="mailto:tjw@gpnlaw.com">tjw@gpnlaw.com</a>                             | MS. DIANE BROWNING<br>COUNSEL, STATE REGULATORY<br>6450 SPRINT PARKWAY<br>OVERLAND PARK, KANSAS 66251<br><a href="mailto:diane.c.browning@sprint.com">diane.c.browning@sprint.com</a>              |