

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

<b>IN THE MATTER OF THE COMPLAINT FILED ) BY GARY LOUDNER, BLACK HAWK, SOUTH ) DAKOTA, AGAINST MIDCONTINENT ) COMMUNICATIONS REGARDING ) TELEPHONE OUTAGES )</b>	<b>ORDER GRANTING REQUEST BY COMMISSION STAFF TO SCHEDULE MOTION TO DISMISS CT08-003</b>
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On June 9, 2008, the Public Utilities Commission (Commission) received a complaint filed by Gary Loudner, Black Hawk, South Dakota (Complainant), against Midcontinent Communications (Midcontinent) regarding telephone outages.

On June 12, 2008, the complaint was electronically transmitted to Midcontinent. Pursuant to ARSD 20:10:01:09, Midcontinent was notified that it must satisfy the complaint or file an answer in writing with the Commission by June 30, 2008. On June 20, 2008, the Commission received a Response from Midcontinent. On June 27, 2008, the Commission received a Motion to Dismiss from Midcontinent. On July 14, 2008, the Commission received a Motion to not Consider the Teleco's Motions to Dismiss and Amend Complaint to include Golden West and SDN. On October 2, 2008, the Commission received a Request by Commission Staff to Schedule Motions to Dismiss.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13 and 49-31.

On October 21, 2008, at a regularly scheduled meeting, the Commission considered the Request by Commission Staff to Schedule Motions to Dismiss. The Commission voted unanimously to grant the Request by Commission Staff to Schedule Motions to Dismiss. It is therefore

ORDERED, that the Request by Commission Staff to Schedule Motions to Dismiss is hereby granted.

Dated at Pierre, South Dakota, this 29<sup>th</sup> day of October, 2008.

<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.
By: <u><i>Delaine Kolbe</i></u>
Date: <u>10/29/08</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*Gary Hanson*  
GARY HANSON, Chairman

*Steve Kolbeck*  
STEVE KOLBECK, Commissioner

*Dustin M. Johnson*  
DUSTIN M. JOHNSON, Commissioner  
*DK*