

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>)</b>	<b>ORDER DENYING MOTION</b>
<b>BY ORBITCOM, INC. AGAINST GLOBAL )</b>	<b>)</b>	<b>TO DISMISS</b>
<b>CROSSING TELECOMMUNICATIONS, INC. )</b>	<b>)</b>	
<b>REGARDING SWITCHED ACCESS SERVICES )</b>	<b>)</b>	<b>TC08-005</b>

On February 6, 2008, the Public Utilities Commission (Commission) received a complaint filed by OrbitCom, Inc. (OrbitCom), against Global Crossing Telecommunications, Inc. (Global) regarding switched access services.

On February 22, 2008, the Commission received a Motion to Dismiss from Global. On May 20, 2008, the Commission received OrbitCom's Response to Global Crossing Telecommunications, Inc.'s Motion to Dismiss. On June 2, 2008, the Commission received Global Crossing's Reply in Support of its Motion to Dismiss.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-1, including 49-1-9 and 49-1-11, 49-13, including 49-13-1 through 49-13-14.1, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-11, 49-31-76 and 49-31-89, and ARSD Chapters 20:10:01 and 20:10:32.

On June 24, 2008, at a regularly scheduled meeting, the Commission considered the Motion to Dismiss. The Commission determined that the complaint did not fail to state a claim upon which relief could be granted and unanimously voted to deny the Motion to Dismiss. It is therefore

ORDERED, that the Motion to Dismiss is hereby denied.

Dated at Pierre, South Dakota, this 2nd day of July, 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>    Belaine Kolbs    </u>
Date: <u>    7/2/08    </u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

    Steve Kolbeck      
STEVE KOLBECK, Commissioner

    Dustin Johnson      
DUSTIN M. JOHNSON, Commissioner