

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

**IN THE MATTER OF THE COMPLAINT FILED) ORDER GRANTING MOTION
BY MCI COMMUNICATIONS SERVICES, INC.) TO DISMISS WITH PREJUDICE
D/B/A VERIZON BUSINESS SERVICES)
AGAINST CAPITAL TELEPHONE COMPANY,) TC08-065
INC. REGARDING TRAFFIC PUMPING)**

On May 28, 2008, the Public Utilities Commission (Commission) received a complaint filed by MCI Communications Services, Inc. d/b/a Verizon Business Services (Verizon), against Capital Telephone Company (Capital) regarding traffic pumping.

On May 29, 2008, the Commission electronically transmitted notice of the filing and the intervention deadline of June 13, 2008, to interested individuals and entities. On June 12, 2008, the Commission received Qwest Communications Corporation's (Qwest) Petition for Leave to Intervene. On June 17, 2008, the Commission received a Response of Capital Telephone Company to Complaint of MCI Communications Services, Inc. d/b/a Verizon Business Services. On June 18, 2008, the Commission received an Answer to Qwest Communications Corporation's Petition for Leave to Intervene from Verizon. At a regularly scheduled meeting of June 24, 2008, the Commission considered the Petition for Leave to Intervene. The Commission voted unanimously to deny intervention. On October 2, 2008, the Commission received a Motion to Dismiss with Prejudice from Verizon.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31.

At a regularly scheduled meeting of October 21, 2008, the Commission considered the Motion to Dismiss. Staff recommended granting the Motion to Dismiss. The Commission voted unanimously to grant the Motion to Dismiss with Prejudice. It is therefore

ORDERED, that the Motion to Dismiss with Prejudice is hereby granted.

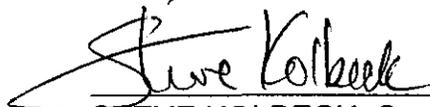
Dated at Pierre, South Dakota, this 24th day of October, 2008.

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.
By: <u>Releine Kolbo</u>
Date: <u>10/24/08</u>
(OFFICIAL SEAL)

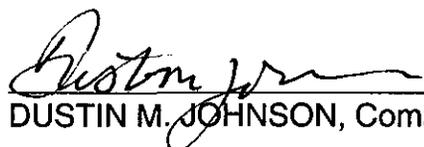
BY ORDER OF THE COMMISSION:



GARY HANSON, Chairman



STEVE KOLBECK, Commissioner



DUSTIN M. JOHNSON, Commissioner