

**STATE OF SOUTH DAKOTA
PUBLIC UTILITIES COMMISSION**

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IN THE MATTER OF THE)	MOTION TO CONSOLIDATE
COMPLAINTS FILED BY)	CT03-010 - CT03-096; CT03-098 - CT03-130;
CUSTOMERS OF S&S)	CT03-132 - CT03-147; CT03-149 - CT03-153;
COMMUNICATIONS)	CT03-156 - CT03-159
)	
)	CT05-005

The staff (Staff) of the South Dakota Public Utilities Commission (Commission) moves the Commission pursuant to SDCL 15-6-42(a) for an order consolidating the pending dockets involving complaints filed by customers of S&S Communications (S&S) for loss of pre-paid telecommunications services. The dockets that Staff is requesting be consolidated are: CT03-010 through CT03-096, CT03-098 through CT03-130, CT03-132 through CT03-147, CT03-149 through CT03-153 and CT03-156 through CT03-159 (Complaints). The grounds for this motion are:

1. The Complaints are all against the same defendants and all arose out of the same subject matter, namely, the loss of telephone service on June 3, 2003 for which the Complainants had contracted with and pre-paid S&S. The Complainants' damages will all be recoverable, if at all, out of the same pool of bond and other security proceeds received by the Commission and defendant's assets. Consolidation will prevent the disparate treatment that might be afforded individual Complainants if the decisions are rendered in individual Complaints without regard to the aggregate of the Complaints and will allow the Commission to fashion its damages order to ensure fairness in awards and in the entitlement to any payments or execution in satisfaction of the award.

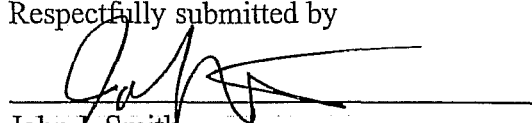
2. The Complaints involve one or more common questions of law and fact.

3. SDCI 49-13-27 only permits the joinder in one judicial proceeding to enforce a Commission damages order of those persons who were awarded damages pursuant to a single order. In likely event that the damages awarded to Complaints are not satisfied by S&S within the time afforded therefor by the Commission, in the absence of consolidation, it will be necessary for each of the individual damages orders to be filed as a separate action in circuit court in order to obtain recordable, executable judgments. It is therefore strongly in the interest of administrative and judicial economy and justice that the Complaints be considered and decided and damages awarded pursuant to a single order in a consolidated proceeding.

WHEREFORE, Staff requests that the Commission: (i) grant its Motion to Consolidate the Complaints into one docket which Staff has opened as CT05-005; (ii) order that the individual Complaint dockets shall be closed and deemed merged into the consolidated proceeding, Docket CT05-005; and (iii) order that the individual Complaint docket files shall be transferred to the consolidated docket and retained as working files in the consolidated proceeding for purposes of organizing filings pertaining to individual Complaints.

Dated this 15th day of April, 2005.

Respectfully submitted by



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