

CT05-006

LAW OFFICES
RITER, ROGERS, WATTIER & BROWN, LLP
Professional & Executive Building
319 South Coteau Street
P.O. Box 280
Pierre, South Dakota 57501-0280
www.riterlaw.com

OF COUNSEL:
Robert D. Hofer
E. D. Mayer
TELEPHONE
605-224-5825
FAX
605-224-7102

ROBERT C. RITER, Jr.
DARLA POLLMAN ROGERS
JERRY L. WATTIER
JOHN L. BROWN

MARGO D. NORTHRUP, Associate

RECEIVED

JUL 18 2005

July 18, 2005

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Pamela Bonrud, Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, South Dakota 57501

Re: South Dakota Network, LLC vs. Global Crossing Telecommunications, Inc.
05-061

Dear Pam:

Please find enclosed herein for filing the original plus ten copies of a Complaint by South Dakota Network, LLC ("SDN") against Global Crossing Telecommunications, Inc. (Global Crossing).

Please note that Global Crossing's address is 1120 Pittsford-Victor Road, Pittsford, New York 14532 (see Paragraph 3 of the Complaint), and its registered agent in South Dakota is Prentice Hall Corporation Systems, 503 S. Pierre Street, Pierre, South Dakota 57501.

Please feel free to contact me with any questions regarding the Complaint.

Sincerely yours,



Darla Pollman Rogers
Attorney at Law

DPR/ph

Enclosure

CC: Global Crossing (with enclosure)
Mark Shlanta, CEO of SDN (with enclosure)

RECEIVED

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

JUL 18 2005

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN THE MATTER OF THE COMPLAINT OF SOUTH DAKOTA NETWORK, LLC, AGAINST GLOBAL CROSSING TELECOMMUNICATIONS, INC.	DOCKET NUMBER _____ COMPLAINT
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South Dakota Network, LLC (hereinafter "SDN"), by and through its attorney of record, Darla Pollman Rogers, of Riter, Rogers, Wattier & Brown, LLC, Pierre, South Dakota, hereby submits this Complaint against Global Crossing Telecommunications, Inc. ("Global Crossing") for failing to pay access charges at the rates approved by the South Dakota Public Utilities Commission ("Commission") and set forth in the SDN tariff on file with the Commission. This is a Complaint pursuant to ARSD 20:10:01:07.01 and SDCL Ch. 49-13.

1. SDN is a limited liability company with its principal place of business at 2900 West 10th Street, Sioux Falls, South Dakota 57104.
2. SDN provides various telecommunications services, including but not limited to switched access services and lease of facilities, to various interexchange carriers.
3. Global Crossing is a corporation with its principal office of business at 1120 Pittsford-Victor Road, Pittsford, New York 14534, and is authorized to do business in the state of South Dakota, including the provision of interexchange telecommunications services to various residential and business customers in South Dakota.

4. Global Crossing used and benefited from intrastate and interstate centralized equal access service (CEAS) from SDN through SDN's tandem switch in Sioux Falls, South Dakota. SDN provided originating and terminating access services to Global Crossing for customers who selected Global Crossing as their interexchange carrier, for the period from November of 2004 to the present time, pursuant to the SDN tariff.

5. Global Crossing was charged for the intrastate centralized equal access service based upon the rates and conditions established in the SDN tariff, which is on file with the Commission.

6. SDN sent monthly invoices to Global Crossing for said CEAS, but Global Crossing has failed to pay for any of said services for the months of November and December of 2004.

7. By receiving and utilizing the service, Global Crossing is obligated to pay for that service not only under the tariff, but also under applicable South Dakota law, as it is responsible for paying its obligation for the value of the benefit conferred; otherwise, Global Crossing would be unjustly enriched.

8. Global Crossing's refusal to pay for the centralized equal access service provided by SDN results in it paying a rate less than the approved tariff rate, and accordingly, constitutes a failure by it to comply with tariffs and procedures adopted and approved by the Commission.

9. Global Crossing's actions of refusing to pay for the centralized equal access service provided by SDN are unjust and unreasonable, and result in damages to SDN.

10. SDN has sent a demand letter to Global Crossing, demanding payment of said fees, but Global Crossing continues to refuse to pay for the services received.

11. Global Crossing owes SDN a total of \$71,613.67 as of January 31, 2005, which includes unpaid CEAS for November and December of 2004 (invoiced in December of 2004 and January of 2005), plus late payment penalties, as set forth in the summary of invoices attached hereto as Exhibit A. Of the total unpaid CEAS due from Global Crossing, \$34,098.19 is for intrastate minutes of use. SDN is also entitled to interest at the statutory rate for all unpaid balances.

WHEREFORE, SDN prays for judgment against Global Crossing as follows:

- A. Payment for unpaid intrastate switched access services and late payment penalties;
- B. For SDN's costs and expenses herein;
- C. For pre-judgment interest and post-judgment interest on the unpaid balances herein; and
- D. For such other and further relief as the Commission deems just.

DATED this 18th day of July, 2005.



Darla Pollman Rogers
Riter, Rogers, Wattier & Brown, LLP
P. O. Box 280
Pierre, South Dakota 57501
Telephone (605) 224-7889
Fax (605) 224-7102
Attorney for SDN

South Dakota Network, LLC, hereby affirms that the statement of facts above are accurate to the best of its knowledge.

South Dakota Network, LLC:

By: *Darla Pollman Rogers*
Darla Pollman Rogers

Its: Attorney
Riter, Rogers, Wattier & Brown, LLP
P. O. Box 280
Pierre, South Dakota 57501
Telephone (605) 224-7889
Fax (605) 224-7102

Exhibit A

UNPAID INVOICES OWED TO SDN BY GLOBAL CROSSING

<u>Date of Invoice</u>	<u>Amount of Invoice</u>	<u>Type of Invoice</u>
12-01-2004	51,921.83	CEAS
12-01-2004	958.10	Late Payment Penalties From 01-01-05/06-30-05
01-01-2005	18,394.32	CEAS
01-01-2005	339.42	Late Payment Penalties From 02-01-05/06-30-05
TOTAL:	71,613.67	