

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

IN THE MATTER OF THE COMPLAINT FILED ) BY JOHN REINTS, RAPID CITY, SOUTH ) DAKOTA, AGAINST BLACK HILLS ) FIBERCOM, L.L.C. REGARDING ITS LATE ) PAYMENT CHARGE )	) ) ) ) ) )	ORDER GRANTING PETITION FOR REHEARING  CT03-155
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On November 3, 2003, the Public Utilities Commission (Commission) received a complaint filed by John Reints, Rapid City, South Dakota (Complainant), against Black Hills FiberCom, L.L.C. (FiberCom) regarding its late payment charge.

On November 3, 2003, the complaint was faxed to FiberCom. Pursuant to ARSD 20:10:01:09, FiberCom was notified that it must satisfy the complaint or file an answer in writing with the Commission by November 24, 2003. On November 24, 2003, the Commission received an Answer and Motion to Dismiss from FiberCom. On November 25, 2003, the Commission received a Petition to Amend Complaint, to ask Sanction of Counsel for Abusive Conduct, to add Complaint of Additional Violation of Commission Rules, and to Seek Additional Damages from Complainant. On November 26, 2003, the Commission received corrected pages 2 and 8 to the Petition to Amend from Complainant. On December 1, 2003, the Commission received a Request for Postponement of Hearing to Permit Discovery; Request for Additional Sanction of Counsel, and Claim for Additional Damages from Complainant. On December 2, 2003, the Commission received Complainant's Response to FiberCom's Answer and Motion to Dismiss. On December 24, 2003, the Commission received an Objection to Lack of Notice; Petition for Rehearing from Complainant. On December 30, 2003, the Commission received an email from FiberCom stipulating that FiberCom had no objection to the Petition for Rehearing.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-7.3, 49-31-7.4, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-97, inclusive, and ARSD Chapters 20:10:01 and 20:10:34.

On January 6, 2004, at a regularly scheduled meeting, the Commission considered this matter. The Commission voted to grant the Petition for Rehearing. It is therefore

ORDERED, that Complainant's Petition for Rehearing shall be granted.

Dated at Pierre, South Dakota, this 15<sup>th</sup> day of January, 2004.

<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, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u><i>William Kelbo</i></u>
Date: <u>1/15/04</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*Robert K. Sahr*  
ROBERT K. SAHR, Chairman

*Gary Hanson*  
GARY HANSON, Commissioner

*James A. Burg*  
JAMES A. BURG, Commissioner