

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

IN THE MATTER OF THE PROCEEDS FROM)	ORDER FOR AND NOTICE
BONDS AND OTHER SECURITY FOR THE)	OF HEARING ON MOTIONS
BENEFIT OF CUSTOMERS OF S&S)	TO DISMISS AND
COMMUNICATIONS)	CONSOLIDATE AND MOTION
)	FOR SUMMARY
)	DISPOSITION
)	CT05-005

TO: ALL PERSONS HAVING COMPLAINTS AT THE COMMISSION AGAINST S&S COMMUNICATIONS:

PLEASE TAKE NOTICE that the South Dakota Public Utilities Commission ("Commission") will hold a hearing at **1:00 P.M. Central Daylight Time on October 21, 2008, in Rm. 423 of the State Capitol Building in Pierre, SD** to consider Staff's Motion for Summary Disposition, Motion to Dismiss With Respect to Matt Swearingen, Motion to Consolidate CT03-011, CT03-012 and CT013, Motion to Consolidate CT03-099 and CT03-126, Motions to Dismiss CT03-073, CT03-087, CT03-133, CT03-136, CT03-138, CT03-141, CT03-143 and CT03-144 and Motions to Dismiss in Part CT03-040, CT03-059, CT03-061 and CT03-083 ("Motions") and to hear objections, evidence and argument on those Complaints as to which a Complainant or any party disputes Staff's recommended action with respect to such Complaint as set forth in the Motions.

The Commission has authority and jurisdiction over the matters at issue in this Docket pursuant to SDCL Chapters 49-31 and 49-13, particularly 49-13-1, 49-13-1.1 and 49-13-14, and Chapter 1-26, particularly 1-26-18.

The issues to be decided at the hearing are (i) whether this case should be dismissed as against Matt Swearingen because of his discharge in bankruptcy, (ii) whether each Complaint should be allowed, denied, dismissed or consolidated with another Complaint and (iii) what Damages Award and Judgment Fraction, if any, each Complainant should be entitled to in the event the Commission is able to obtain collection from S&S or its remaining non-discharged general partner on any judgment entered in this case.

The hearing will be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights may be forfeited if not exercised at the hearing. If a party or their representative fails to appear at the time and place set for the hearing, the Final Decision will be based on the Motions and supporting documents filed by Staff, the testimony and other evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. All persons testifying will be sworn and subject to cross-examination by the Commission Staff, the Commission and other parties. After the hearing, the Commission will consider the Motions, all Exhibits offered by Staff in support of the Motions, and all evidence and arguments presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission will determine (i) whether this case should be dismissed as against Matt Swearingen because of his bankruptcy discharge, (ii) whether certain Complaints should be dismissed or dismissed in part because they involve matters outside the authority of the Commission, (iii) whether certain Complaints should be consolidated because

they involve the same contract with S&S, (iv) the entitlement of each Complainant, if any, to a Damages Award and (v) the fractional share to which each Claimant will be entitled of any collections the Commission or any Complainant is able to obtain from S&S or its remaining non-discharged partner as a result of any judgment ultimately entered in this case. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law.

It is therefore

ORDERED, that a hearing shall be held at the time and place specified above on the issues as stated above.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Commission at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 15th day of September, 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><i>Melaine Kolbo</i></u>
Date: <u>9/15/08</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner *dk*