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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

November 18, 2005

Heather Forney, Acting Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
State Capitol Building
Pierre, SD 57501

RE: Complaint and Request for Expedited Proceeding in the Matter of the
Complaint of PrairieWave Telecommunications, Inc. against AT&T Corp

Dear Ms. Forney:

On behalf of PrairieWave Telecommunications, Inc., enclosed for filing in the above-captioned matter are an original and ten (10) copies of the Complaint and Request for Expedited Proceeding.

Sincerely,

A handwritten signature in cursive script that reads "Dawn Haase".

Dawn Haase
Administrative Assistant

Enclosures
cc: Service List

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN THE MATTER OF THE COMPLAINT
OF PRAIRIEWAVE TELECOMMUNICATIONS
INC. AGAINST AT&T CORP

DOCKET No. _____

COMPLAINT

PrairieWave Telecommunications, Inc. (hereinafter "PrairieWave"), by and through its General Counsel, William P. Heaston, hereby submits this Complaint against AT&T for failing to pay access charges at the rates approved by the South Dakota Public Utilities Commission ("Commission") as set forth in the Commission's Order Approving PrairieWave's cost study as filed with the Commission and approved on December 29, 2004. This Complaint is brought forth pursuant to ARSD 20:10:01:07.01 and SDCL Ch. 49-13.

1. PrairieWave Telecommunications, Inc. is a South Dakota corporation having its principal place of business as 5100 S Broadband Lane, Sioux Falls, SD 57108.
2. PrairieWave provides various telecommunication services, including but not limited to switched access services to various interexchange carriers.
3. AT&T of the Midwest, Inc. is a corporation with its principal office of business at 1875 Lawrence Street, Denver CO 80202 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. AT&T used and benefited from intrastate equal access services ("Services") from PrairieWave through PrairieWave's switch in Viborg, South Dakota. PrairieWave provided both originating and terminating access services to AT&T for customers who selected AT&T as their interexchange carrier, for the time period of September 30, 2002 to the present.
5. AT&T was charged for the intrastate equal access based upon the filed and approved rates and tariff submitted by PrairieWave on June 25, 2004 and approved by the Commission on December 29, 2004.
6. PrairieWave sent monthly invoices to AT&T for access, but AT&T has failed to fully pay these invoices each month.

7. By receiving and utilizing the equal access service, AT&T is obligated to pay for the service under both the approved South Dakota files tariffs, and under applicable South Dakota law, as it is responsible for paying its obligation for the value of the benefit it received to avoid being unjustly enriched.
8. AT&T's refusal to pay its outstanding indebtedness for equal access as provided by PrairieWave results in its paying a rate less than that approved by the Commission and accordingly, constitutes its failure to comply with the rates, tariffs, and procedures adopted by the Commission.
9. The actions of AT&T of refusing to pay the approved rate for equal access as provided by PrairieWave are unjust and unreasonable and result in damages to PrairieWave.
10. PrairieWave has sent demand letters and emails to AT&T demanding it be paid the amount of its fees but AT&T continues to refuse pay for the services it utilizes.
11. AT&T owes PrairieWave a total of \$50,444.54 as of September 30, which amount includes only the intrastate access charges.

WHEREFORE, PrairieWave prays for judgment against AT&T as follows:

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

Dated this 18th day of November 2005.

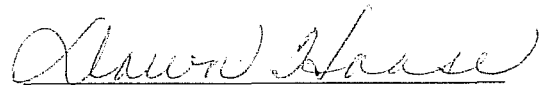


William P. Heaston
General Counsel
PrairieWave Telecommunications, Inc.
5100 S Broadband Lane
Sioux Falls, SD 57108
605-965-9359

CERTIFICATE OF SERVICE

I, Dawn Haase, on the 18th of November, 2005, served the attached COMPLAINT AND REQUEST FOR EXPEDITED PROCEEDING IN THE MATTER OF THE COMPLAINT OF PRAIRIEWAVE TELECOMMUNICATIONS, INC. AGAINST AT&T CORP by U. S. mail to the person indicated at the address below.

AT&T of the Midwest
1875 Lawrence Street
Denver, CO 80202

A handwritten signature in cursive script that reads "Dawn Haase". The signature is written in black ink and is positioned above the printed name.

Dawn Haase