



Gary Hanson, Chair
Steve Kolbeck, Vice Chair
Dustin Johnson, Commissioner

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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Consumer Hotline
1-800-332-1782

October 2, 2008

Gary Loudner
PO Box 204
Black Hawk, SD 57718-0204

Re: Motion Requesting Hearing

Mr. Loudner:

Attached please find all the documents I will file with the Commission in each of your five complaint dockets. I will put this Motion on the October 21 meeting. If you disagree with my request to the Commission you may either submit an explanation in writing, appear in person or participate via telephone. I will send you an agenda of the October 21, 2008 meeting to provide more specific scheduling detail.

Thank you.

Kara Semmler

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE
COMPLAINTS FILED BY GARY
LOUDNER, BLACK HAWK, SOUTH
DAKOTA

DOCKET NUMBERS:
CE08-001
CT08-003
CT08-004
CT08-005
CT08-006

REQUEST BY COMMISSION STAFF TO
SCHEDULE MOTIONS TO DISMISS

I. Introduction

On June 9, 2008, Mr. Gary Loudner filed Complaints against three companies. He listed Black Hills Corporation, Midcontinent Communications and Qwest Corporation. Alleging the same factual situation, on August 4, 2008 he filed Complaints against SDN Communications and Golden West Communications. Although Mr. Loudner does not cite to any legal violation and shares very little facts with the Commission, he alleges some sort of wrongdoing by all five companies. In response to the Complaints, all companies filed Motions to Dismiss. The companies against whom he filed a Complaint have a right to have their Motions heard by this Commission.

II. Factual Background

Prior to filing his formal Complaints against the five companies listed above, Mr. Loudner spoke with Deb Gregg, Commission Consumer Affairs Manager. Ms. Gregg

directed Mr. Loudner to the relevant areas of the law and explained his burden of proof should he demand a formal Complaint. She further explained his responsibilities as a Complainant. Despite his inability to articulate any actionable cause against the companies at issue, he demanded Ms. Gregg provide him the paperwork to file a formal Complaint. Ms. Gregg obliged his request. Despite Ms. Gregg's various attempts to assist Mr. Loudner and explain the process, he remained verbally abusive.

After receipt of the Complaint, all companies filed Motions to Dismiss Mr. Loudner's Complaint. Ms. Gregg and I then began work to coordinate a time at which the Commission can hear the Companies' requests for dismissal. I called Mr. Loudner to discuss dates. He refused to schedule a hearing referencing other litigation he has with the Department of Social Services. He became abusive and hung up the phone when I explained other litigation in a different agency does not affect this Commission's business and the filing companies have a right to have the Motions heard. I proceeded then to send Mr. Loudner a letter specifying a date of November 12 to have the Motions to Dismiss heard by the Commission. He was further informed he does not need to appear in person, rather, he may participate telephonically. A copy of the letter is attached as Exhibit A.

Mr. Loudner responded with a fax, again suggesting his Complaints should be held until Department of Social Services litigation concludes. Please see attached Exhibit B. Mr. Loudner is legally in error, as other litigation does not affect his Complaints against the listed companies. I followed up with Mr. Todd, an attorney with the Department of Social Services. Please see Mr. Todd's e-mail attached as Exhibit C. Not

only is Mr. Loudner legally in error, but he is factually in error. His case at the Department of Social Services was heard and dismissed.

Mr. Loudner has verbally abused Commission Staff and is now attempting to abuse Commission process. He filed the Complaints subjecting himself to the rules of Civil Procedure and now must follow them. Commission Staff attempted to explain the legal process and was more than willing to help Mr. Loudner navigate it. He did, however, refuse our help.

Consistent with background and facts in this Motion, staff requests the Commission hear the Motions to Dismiss in CE 08-001, CT08-003, CT08-004, CT08-005, CT08-006 on November 12, 2008 at its regularly scheduled Commission meeting

Signed and dated this 2nd day of October, 2008



Kara Semmler, Staff Attorney
South Dakota Public Utilities Commission
500 E. Capitol Ave
Pierre, SD 57501
(605)773-3201



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September 18, 2008

MR GARY LOUDNER
PO BOX 204
BLACK HAWK SD 57718

Re: Complaint dockets against Qwest, MidContinent, Black Hills Corporation, SDN Communications and Golden West.

Mr. Loudner:

Your complaints against the above companies have been scheduled for **November 12, 2008, Capitol Building, Pierre, SD at 9:30 am**(central standard time). You do not need to be present and may instead participate telephonically if you prefer. You must contact us to reserve a phone line if you wish to participate via telephone. We will send you an agenda for the November 12 meeting. The agenda will have more specific information regarding the meeting location within the capital building.

Thank you, contact us if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kara Semmler".

Kara Semmler

Exhibit A

GARY L. LOUDNER
P.O. Box 204

Black Hawk, SD 57718-0204

Non-published/
unlisted-- **Ph: 605-791-1927 • Fax: 605-343-8610**

Friday night,
26 September, 2008

re: Kara Semmler 18 September, 2008, snail mail correspondence scheduled my complaint against MID CONTINENT, QWEST, BLACK HILLS CORPORATION, SDN and GOLDEN WEST (premature) due to the fact(s); 1.) I have other civil ligations against State of South Dakota, Department of Social Services, office of SD MEDICAID. and 2). I personally know each of you Commissioner(s)!

the State of South Dakota, South Dakota Public Utilities Commission,
500 East Capitol Avenue, near North door,
Pier(re) South Dakota 57501--5070.

Fax # (605) 773-3225

Gary Hanson, Chair man,
Steve Kolbeck, Vice Chairman,
Dusty Johnson, Commissioner.

I am in receipt of Kara Semmler letter of 18 September, 2008. Last month (August), Ms. Semmler, one of your office attorney, telephoned, attempting me to schedule the above mentioned complaints (packets), however, I stated to her that I dont want to schedule any MATTERS until my Department of Social Services litigation is complete and settle. Dan Todd, is representing DSS and the SD MEDICAID. Generally speaking, Gentleman, also, your bi--weekly payroll comes from and is generated by State Auditor Rich Sattgast's staff and his office, however, also, I personally known each of you and have spoken at least once in past several years.

***Every other
Tuesday***)

GLL/gary

file copy:

1996 PUC Democratic runner-up for the nomination of the Office, attempting to unseat Pam Nelson, (Sioux Falls)
GARY LOUDNER
SD **District 33 (House of Rep.)** 2010 Dem. candidate
P.O. Box 204
Black Hawk, SD 57718-0204

Kara,

Gary Loudner filed a complaint with the US Department of Health and Human Services, Office of Civil Rights (OCR) alleging the South Dakota Department of Social Services (DSS) discriminated against him on the basis of race and disability. A decision was issued on March 7, 2008 by OCR and the case is now closed. I am not aware of any further proceedings pending against DSS by Gary Loudner.

If you need additional information, please feel free to call or send another email. DSS will provide what we can.

Daniel J. Todd
Assistant Attorney General
700 Governors Dr.
Pierre, SD 57501
605-773-3305

Exhibit C