

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

IN RE:)	
DOCKET NO. CT08-004)	
)	
Gary L. Loudner,)	
Complainant,)	ANSWER AND MOTION TO
)	DISMISS COMPLAINT
v.)	
)	
Qwest Corporation,)	
Respondent.)	

Qwest Corporation ("Qwest"), pursuant to ARSD 20:10:01:09, answers the complaint of Gary L. Loudner ("Complainant") and because the complaint fails to recite any facts that provide a basis on which relief can be granted as to Qwest, moves the South Dakota Public Utilities Commission ("Commission" or "PUC") to dismiss the complaint as to Qwest. As grounds therefore, Qwest states:

Complainant appears to be a Midcontinent Communications ("Midco") customer for local exchange service, and has not been a Qwest local exchange customer during any of the time periods complained of in subparagraphs (a), (b), or (c) of his complaint. Therefore, with regard to the allegations made in subparagraphs (a) and (b), Qwest has no information on which to admit or deny Complainant's allegations. Because subparagraphs (a) and (b) make no reference to acts or omissions on Qwest's part, Qwest believes Mr. Loudner has made no allegation regarding Qwest in those two subparagraphs.

Concerning the allegation in Complainant's subparagraph (c) that a Qwest E-911 outage happened on an unspecified date in February 2008, Qwest denies such an outage occurred. The Complainant recites no firm date in February, but does allege that E-911

“network interconnect went down” between 4:58 p.m. and 9:57 p.m. Attached to this pleading as Exhibit 1 is the affidavit of Colleen Sevold, Qwest’s Regulatory Manager for South Dakota. Ms. Sevold relates that she has contacted Qwest Network personnel and Public Policy personnel responsible for monitoring and reporting E-911 outages, and they report there was no Qwest E-911 outage in Pennington County and/or Rapid City during the month of February 2008 that would affect Mr. Loudner’s service. Further, Ms. Sevold relates that she contacted Midco, and contrary to the allegation made in (c), Midco related that they have no record of any E-911 outage at any point in February. This fact is confirmed by Midco’s June 18, 2008 letter response to the Commission by W. Tom Simmons.

Finally, there is a reference to an outage on an unknown date in November 2007. It is unclear whether the Complainant is claiming that Qwest or Midco bears responsibility for this event. However, Mr. Simmons’ letter confirms that “Qwest had no part in this issue other than offering their cooperation to help Midcontinent’s team eliminate Qwest circuits as part of the problem” regarding the November 2007 event referenced at the bottom of the Complaint. Therefore, Qwest asks the Commission to dismiss the complaint referenced in subparagraph (c) as to Qwest.

WHEREFORE, Qwest asks the Commission to dismiss it as a respondent to this complaint, and to grant any other relief the Commission sees fit.

Respectfully Submitted,

George Baker Thomson, Jr.
cs

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State of South Dakota)
 County of Sioux Falls):ss

Colleen E. Sevold, being first duly sworn upon her oath, deposes and states as follows:

1. I am Qwest's Regulatory Manager in the Public Policy organization for Qwest Communications Corporation ("Qwest") and fulfill the function of Qwest's Regulatory Manager, Policy and Law in South Dakota. In that capacity I am tasked with maintaining close contact with the South Dakota Public Utilities Commission and Staff, and I routinely respond to and research issues regarding consumer complaints. I am acquainted with the complaint that is the subject of Docket CT08-003, currently pending before the Commission.
2. In order to determine Qwest's position regarding Mr. Loudner's complaint, I contacted Qwest Network personnel and Public Policy personnel responsible for monitoring and reporting E-911 outages, and they report there was no Qwest E-911 outage in Pennington County and/or Rapid City during the month of February 2008 that would affect Mr. Loudner's service.
3. Further, as part of my research into Mr. Loudner's complaint, I contacted Midco, and contrary to the allegation made by Mr. Loudner, Midco related to me that they have no record of any E-911 outage at any point in February 2008. This fact is confirmed by Midco's June 18, 2008

letter response to the Commission by W. Tom Simmons, Midco's Senior Vice President of Public Policy. Further, affiant sayeth naught.

Dated this 27th day of June, 2008 at Sioux Falls, South Dakota.

Colleen E. Sevold

Colleen E. Sevold

Subscribed and sworn to me this 27 day of June, 2008.

Anthony T. Vanderhagen

Notary Public – South Dakota

My commission expires: _____

**My Commission expires
February 1st, 2011**

