

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN RE:

Docket No. TC12-016

MIDCONTINENT COMMUNICATIONS,

**JOINT MOTION TO DISMISS WITH
PREJUDICE COMPLAINANT'S AMENDED
COMPLAINT AND REQUEST FOR
DECLARATORY ORDER, AND WITHDRAWAL
OF RESPONDENT'S MOTION TO DISMISS
AND/OR FOR CLARIFICATION OF
COMMISSION'S JURISDICTION.**

Complainant,

PAETEC COMMUNICATIONS, INC., and
MCLEODUSA TELECOMMUNICATIONS
SERVICES, L.L.C.,

Respondents.

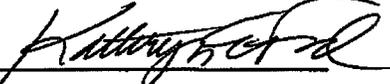
COME NOW Midcontinent Communications ("Complainant") and McLeodUSA Telecommunications Services, LLC., and PAETEC Communications, Inc. ("Respondents") and respectfully submit the following Joint Motion to Dismiss with Prejudice Complainant's Amended Complaint and Request for Declaratory Order, and Withdrawal with Prejudice of Respondent's Motion to Dismiss and/or Clarification of Commission's Jurisdiction in the above-referenced docket.

1. On January 12, 2012 Complainant filed its Complaint and Request for Declaratory Order in this docket. Complainant amended its complaint on February 7, 2012. Respondents timely filed their Answer and Affirmative Defenses on February 28, 2012, and simultaneously filed their Motion to Dismiss and/or Request for Clarification of Commission's Jurisdiction.

2. By mutual agreement Complainant hereby respectfully requests dismissal of the Amended Complaint and Request for Declaratory Order with prejudice, and Respondent hereby withdraws with prejudice its Motion to Dismiss and/or Request for Clarification of Commission's Jurisdiction.

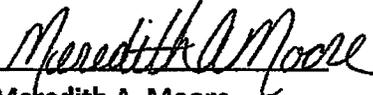
Respectfully submitted this 21 day of March, 2012.

DAVENPORT EVANS HURWITZ
& SMITH,

By: 

Kathryn E. Ford
206 West 14th Street
P.O. Box 1030
Sioux Falls, SD 57104
605.357.1246 (telephone)
605.251.2605 (facsimile)
E-mail: kford@dehs.com
Attorneys for Complainant

CUTLER & DONAHOE,LLP

By: 

Meredith A. Moore
100 N. Phillips Ave., 9th Floor
PO Box 1400
Sioux Falls, SD 57104-6725
(605) 335-4950
Local Counsel for Respondents

CERTIFICATE OF SERVICE

The undersigned attorney for the Respondents hereby certifies that on March 21, 2012, a true and correct copy of the foregoing was served by electronic mail on the following individuals:

Ms. Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
patty.vangerpen@state.sd.us
Telephone: (605) 773-3201
Facsimile: (866) 757-6031

Ms. Kara Semmler
Staff Attorney
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
kara.semmler@state.sd.us
Telephone: (605) 773-3201
Facsimile: (866) 757-6031

Mr. Chris Daugaard
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
chris.daugaard@state.sd.us
Telephone: (605) 773-3201
Facsimile: (866) 757-6031

Mr. Richard D. Coit
Executive Director and General Counsel
South Dakota Telecommunications Association
P. O. Box 57
Pierre, SD 57501
richcoit@sdtaonline.com
Telephone: (605) 224-7629
Facsimile: (605) 224-1637

Ms. Darla Pollman Rogers
Ms. Margo D. Northrup
Riter, Rogers, Wattier & Northrup, LLP
P. O. Box 280
Pierre, South Dakota 57501
dprogers@riterlaw.com
m.northrup@riterlaw.com
Telephone: (605) 224-5825



Local Counsel for Respondents