

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER CANCELLING
BY PRAIRIEWAVE TELECOMMUNICATIONS,)	SCHEDULING ORDER
INC. AGAINST AT&T COMMUNICATIONS OF)	
THE MIDWEST, INC. REGARDING ACCESS)	CT05-007
CHARGES)	

On November 21, 2005, the Public Utilities Commission (Commission) received a complaint filed by PrairieWave Telecommunications, Inc. (Complainant) against AT&T Communications of the Midwest, Inc. (AT&T) regarding access charges.

On November 24, 2005, the complaint was faxed to AT&T. Pursuant to ARSD 20:10:01:09, AT&T was notified that it must satisfy the complaint or file an answer in writing with the Commission by December 12, 2005. On December 19, 2005, the Commission received AT&T's Answer, Affirmative Defenses and Counterclaims. On January 3, 2006, the Commission received PrairieWave's Response to the Counterclaim made by AT&T. On April 12, 2006, the Commission received a Motion to Dismiss AT&T's Counterclaim and for Summary Judgment on PrairieWave's Complaint from PrairieWave. On May 15, 2006, the Commission received AT&T's Response to PrairieWave's Motion to Dismiss AT&T's Counterclaim and Motion for Summary Judgment on PrairieWave's Complaint. On June 20, 2006, the Commission received Staff's Response to PrairieWave's Motion to Dismiss AT&T's Counterclaim and for PrairieWave's Motion for Summary Judgment. On June 28, 2006, the Commission received PrairieWave's Reply to AT&T's Response to PrairieWave's Motion to Dismiss AT&T's Counterclaim and Motion for Summary Judgment on its Complaint. At its regularly scheduled meeting of August 8, 2006, the Commission denied PrairieWave's Motion to Dismiss AT&T's Counterclaim and for Summary Judgment on PrairieWave's Complaint. On August 9, 2006, Commission Counsel held a prehearing scheduling teleconference with counsel for PrairieWave and AT&T and Staff participating. The parties agreed to a procedural schedule which was incorporated in a scheduling order issued by the Commission on August 15, 2006.

The Commission finds that it has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-1, including 49-1-9 and 49-1-11, 49-13, including 49-13-1 through 49-13-14.1, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-11, 49-31-76 and 49-31-89, and ARSD Chapters 20:10:01 and 20:10:32.

On October 10, 2006, a telephone conference was held among counsel for both parties and commission and staff counsel. PrairieWave and AT&T indicated they have agreed to general settlement terms, are in the process of finalizing a settlement agreement and requested that the scheduling order and hearing dates be cancelled due to the impending settlement.

It is therefore

ORDERED, that the procedural schedule, including the hearing dates, set forth in

the Commission's August 15, 2006 order is cancelled.

Dated at Pierre, South Dakota, this 11th day of October, 2006.

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, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: Tina Dougan

Date: 10-11-06

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner

Gary Hanson
GARY HANSON, Commissioner