

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER GRANTING JOINT
BY PRAIRIEWAVE TELECOMMUNICATIONS,)	MOTION TO CLOSE
INC. AGAINST AT&T COMMUNICATIONS OF)	PROCEEDING AND ORDER
THE MIDWEST, INC. REGARDING ACCESS)	DISMISSING AND CLOSING
CHARGES)	DOCKET
)	CT05-007

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

On November 21, 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 9, 2005, the Commission received a letter from AT&T requesting an extension to answer the complaint up to and including December 19, 2005, which PrairieWave agreed to. On December 19, 2005, the Commission received AT&T's Answer, Affirmative Defenses and Counterclaims. On January 3, 2006, the Commission received a Response to the Counterclaim made by AT&T from PrairieWave. 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 duly noticed August 8, 2006, meeting, the Commission considered this matter. The Commission voted to deny the Motion to Dismiss AT&T's Counterclaim (Commissioner Hanson dissented). The Commission also voted to deny the Motion for Summary Judgment on PrairieWave's Complaint (Commissioner Hanson dissented).

On November 14, 2006, the Commission received a Joint Motion to Close Proceeding from AT&T.

The Commission finds that it has jurisdiction to enter this preliminary order 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.

At its duly noticed November 20, 2006, meeting, the Commission considered this matter. The Commission voted to grant the Joint Motion to Close Proceeding and to dismiss and close this docket. It is therefore

ORDERED, that the Joint Motion to Close Proceeding is granted and the docket is dismissed and closed.

Dated at Pierre, South Dakota, this 4th day of December, 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: <u>Alaine Kalbs</u>
Date: <u>12/05/06</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman

Gary Hanson
GARY HANSON, Commissioner