

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

IN THE MATTER OF THE COMPLAINT FILED) BY DAVID AND RHONDA SCHWIETERT,) RAPID CITY, SOUTH DAKOTA, AGAINST) BROADWING TELECOMMUNICATIONS, INC.) AND POWERNET GLOBAL) COMMUNICATIONS REGARDING) UNAUTHORIZED SWITCHING OF SERVICES)	ORDER CANCELLING HEARING CT01-008
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On February 28, 2001, the Public Utilities Commission (Commission) received a complaint filed by David and Rhonda Schwiertert, Rapid City, South Dakota (Complainants), against Broadwing Telecommunications, Inc. (Broadwing) and PowerNet Global Communications (PowerNet) regarding unauthorized switching of services.

On February 28, 2001, the complaint was faxed to Broadwing and PowerNet. Pursuant to ARSD 20:10:01:09, Broadwing and PowerNet were notified that they must satisfy the complaint or file answers in writing with the Commission by March 20, 2001. On March 21, 2001, the Commission received a letter response from Broadwing.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-7.3, 49-31-7.4, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-97, inclusive, and ARSD Chapters 20:10:01 and 20:10:34.

By order dated March 22, 2001, a hearing was scheduled for April 17, 2001, beginning at 8:30 o'clock A.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. On March 23, 2001, the Commission received a letter response from PowerNet. On March 29, 2001, the Commission received a Motion to Dismiss from Broadwing, on March 30, 2001, the Commission received a Cross Claim of PowerNet against Broadwing Telecommunications, and on April 6, 2001, the Commission received PowerNet's Opposition to Broadwing's Motion to Dismiss, so therefore the hearing is cancelled. It is therefore

ORDERED, that the hearing scheduled for April 17, 2001, is cancelled and a new hearing shall be set at a later time.

Dated at Pierre, South Dakota, this 6th day of April, 2001.

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>Delaine Kelso</u>
Date: <u>4/6/01</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

<u>James A. Burg</u> JAMES A. BURG, Chairman
<u>Pam Nelson</u> PAM NELSON, Commissioner