

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DENYING MOTION
BY DAVID AND RHONDA SCHWIETERT,)	TO DISMISS
RAPID CITY, SOUTH DAKOTA, AGAINST)	
BROADWING TELECOMMUNICATIONS, INC.)	CT01-008
AND POWERNET GLOBAL)	
COMMUNICATIONS REGARDING)	
UNAUTHORIZED SWITCHING OF SERVICES)	

On February 28, 2001, the Public Utilities Commission (Commission) received a complaint filed by David and Rhonda Schwietert, 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. 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.

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.

On April 17, 2001, at a regularly scheduled meeting, the Commission considered the Motion to Dismiss. The Commission voted unanimously to deny the Motion to Dismiss. It is therefore

ORDERED, that the Motion to Dismiss is hereby denied.

Dated at Pierre, South Dakota, this 24th 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><i>Arlaine Kelbo</i></u>
Date: <u>4/24/01</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

 _____ JAMES A. BURG, Chairman
 _____ PAM NELSON, Commissioner