

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

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

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. 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. On April 13, 2001, the Commission received Broadwing's Reply to Crossclaim of PowerNet. 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. On May 4, 2001, the Commission received PowerNet's Interrogatories, Requests for Admission and Requests for Production to Broadwing. On June 6, 2001, the Commission received PowerNet's Motion to Continue Hearing. On June 7, 2001, the Commission received Broadwing's Motion for Continuance. On June 15, 2001, the Commission received an Answer of Broadwing to PowerNet's Interrogatories and Requests for Production. At its June 19, 2001, meeting, the Commission considered PowerNet's Motion to Continue Hearing and Broadwing's Motion for Continuance. The Commission voted to grant a 14 day continuance from the hearing date scheduled for June 26, 2001. A hearing in this matter was scheduled for July 10, 2001. By order dated July 3, 2001, the hearing was cancelled as Commission Staff received a stipulation and release of the complaint on June 29, 2001.

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 July 24, 2001, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted to dismiss the complaint and close the docket. It is therefore

ORDERED, that the complaint shall be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 27th day of July, 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>Delsire Kaelo</i></u>
Date: <u><i>8/3/01</i></u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner