

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER CANCELLING</b>
<b>BY DAVID AND RHONDA SCHWIETERT, )</b>	<b>HEARING</b>
<b>RAPID CITY, SOUTH DAKOTA, AGAINST )</b>	
<b>BROADWING TELECOMMUNICATIONS, INC. )</b>	<b>CT01-008</b>
<b>AND POWERNET GLOBAL )</b>	
<b>COMMUNICATIONS REGARDING )</b>	
<b>UNAUTHORIZED SWITCHING OF SERVICES )</b>	

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.

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 June 22, 2001, a hearing was scheduled for July 10, 2001, beginning at 2:30 P.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. On June 29, 2001, Commission Staff received a stipulation and release of the complaint, so therefore the hearing is cancelled. It is therefore

ORDERED, that the hearing scheduled for July 10, 2001, is cancelled.

Dated at Pierre, South Dakota, this 3<sup>rd</sup> 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: *Delaine Kelbs*

Date: 7/3/01

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*James A. Burg*  
JAMES A. BURG, Chairman

*Pam Nelson*  
PAM NELSON, Commissioner