

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING
BY PRAIRIEWAVE COMMUNITY TELEPHONE,)	COMPLAINT AND CLOSING
INC. F/K/A DAKOTA COMMUNITY)	DOCKET
TELEPHONE, INC. AND PRAIRIEWAVE)	
TELECOMMUNICATIONS, INC. F/K/A)	CT02-039
MCLEODUSA TELECOM DEVELOPMENT, INC.)	
AGAINST QWEST CORPORATION)	
REGARDING NONPAYMENT OF SWITCHED)	
ACCESS CHARGES AND OTHER CONTRACT)	
DISPUTES)	

On October 15, 2002, the Public Utilities Commission (Commission) received a complaint filed by PrairieWave Community Telephone, Inc. f/k/a Dakota Community Telephone, Inc. and PrairieWave Telecommunications, Inc. f/k/a McLeodUSA Telecom Development, Inc. (Complainant) against Qwest Corporation (Qwest) regarding nonpayment of switched access charges and other contract disputes.

On October 17, 2002, the complaint was faxed to Qwest. Pursuant to ARSD 20:10:01:09, Qwest was notified that it must satisfy the complaint or file an answer in writing with the Commission by November 6, 2002. On November 6, 2002, the Commission received an answer from Qwest. On August 21, 2003, the Commission received a Motion to Dismiss Complaint and Request for Confidential Treatment of Exhibit B and Settlement Agreement from Complainant.

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 September 2, 2003, at a regularly scheduled meeting, the Commission considered this matter. Based upon the Settlement Agreement between the parties and 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 5th day of September, 2003.

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>Melaine Kolbo</u>
Date: <u>9/5/03</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K Sahr
ROBERT K. SAHR, Chairman *JS*

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner