

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

IN THE MATTER OF THE COMPLAINT FILED)	NOTICE OF
BY JOHN REINTS, RAPID CITY, SOUTH)	HEARING ON PETITION FOR
DAKOTA, AGAINST BLACK HILLS)	REHEARING
FIBERCOM, L.L.C. REGARDING ITS LATE)	
PAYMENT CHARGE)	CT03-155

On November 3, 2003, the Public Utilities Commission (Commission) received a complaint filed by John Reints, Rapid City, South Dakota (Complainant), against Black Hills FiberCom, L.L.C. (FiberCom) regarding its late payment charge. On November 24, 2003, the Commission received an Answer and Motion to Dismiss from FiberCom. On December 2, 2003, the Commission received Complainant's Response to FiberCom's Answer and Motion to Dismiss. On December 16, 2003, at a regularly scheduled meeting, the Commission considered this matter. Complainant did not appear, and the Commission voted unanimously to grant the motion to dismiss, to dismiss the complaint and close the docket. On December 24, 2003, the Commission received a Petition for Rehearing from Complainant. On December 30, 2003, the Commission received an email filing by FiberCom stipulating that FiberCom had no objection to the Petition for Rehearing.

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.

PLEASE TAKE NOTICE that Complainant's Petition for Rehearing will be considered by the Commission at its regular meeting on January 6, 2004 at 1:30 P.M. CST, in Room 464, State Capitol Building, 500 East Capitol, Pierre, South Dakota. The parties may appear either in person or by teleconference in accordance with the instructions on the enclosed meeting agenda.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 31st day of December, 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> Allaine Kolbo </u>
Date: <u> 12/31/03 </u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

 Robert K. Sahr
ROBERT K. SAHR, Chairman

 Gary Hanson
GARY HANSON, Commissioner

 James A. Burg
JAMES A. BURG, Commissioner


CERTIFICATE OF SERVICE

I hereby certify that copies of Notice of Hearing on Petition for Rehearing, e-mail filing received from FiberCom stipulating that FiberCom had no objection to the Petition for Rehearing and the Agenda of the Commission Meeting to be held on January 6, 2004, were served on the following by mailing the same to them by United States Post Office First Class Mail, postage thereon prepaid, at the addresses shown below on this the 31st day of December, 2003.

Mr. John Reints
234 South Canyon Road
Rapid City, SD 57702

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