

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

IN THE MATTER OF THE COMPLAINT FILED) BY GARY LOUDNER, BLACK HAWK, SOUTH) DAKOTA, AGAINST SDN COMMUNICATIONS) REGARDING TELEPHONE OUTAGES))	ORDER GRANTING REQUEST BY COMMISSION STAFF TO SCHEDULE MOTION TO DISMISS CT08-005
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On July 14, 2008, the Public Utilities Commission (Commission) received a complaint filed by Gary Loudner, Black Hawk, South Dakota (Complainant), against SDN Communications (SDN) regarding telephone outages.

On July 17, 2008, the complaint was electronically transmitted to SDN. Pursuant to ARSD 20:10:01:09, SDN was notified that it must satisfy the complaint or file an answer in writing with the Commission by August 4, 2008. On August 4, 2008, the Commission received an Answer to Complaint and Motion to Dismiss from SDN. On October 2, 2008, the Commission received a Request by Commission Staff to Schedule Motions to Dismiss.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13 and 49-31.

On October 21, 2008, at a regularly scheduled meeting, the Commission considered the Request by Commission Staff to Schedule Motions to Dismiss. The Commission voted unanimously to grant the Request by Commission Staff to Schedule Motions to Dismiss. It is therefore

ORDERED, that the Request by Commission Staff to Schedule Motions to Dismiss is hereby granted.

Dated at Pierre, South Dakota, this 29th day of October, 2008.

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, electronically.
By: <u>Delaine Kolbo</u>
Date: <u>10/29/08</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner
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