

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER GRANTING
BY ROGER L. HALL, RAPID CITY, SOUTH)	STIPULATED MOTION TO
DAKOTA, AGAINST QWEST CORPORATION)	DISMISS COMPLAINT WITH
REGARDING THE COST OF TELEPHONE)	PREJUDICE AND CLOSING
LINE EXTENSIONS)	DOCKET
)	CT08-002

On April 14, 2008, the Public Utilities Commission (Commission) received a complaint filed by Roger L. Hall, Rapid City, South Dakota (Complainant), against Qwest Corporation (Qwest) regarding the cost of telephone line extensions.

On April 17, 2008, the complaint was electronically transmitted 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 May 5, 2008. On May 5, 2008, the Commission received an Answer and Motion to Dismiss from Qwest. On June 24, 2008, the Commission received Roger L. Hall's Response to Qwest Corporation's Motion to Dismiss. On June 24, 2008, at a regularly scheduled meeting, the Commission determined that the complaint did not fail to state a claim upon which relief could be granted and unanimously voted to deny the Motion to Dismiss. On November 10, 2008, the Commission issued an Order Setting Procedural Schedule. On January 21, 2009, the Commission received a Motion to Adjust Procedural Schedule from Qwest. On January 27, 2009, at a regularly scheduled meeting, the Commission unanimously voted to grant the Motion to Adjust Procedural Schedule and rescheduled the date of hearing pre-hearing motions to February 24, 2009. On February 3, 2009, the Commission received a Motion for Summary Disposition of Complaint from Qwest. On February 23, 2009, the Commission received Roger L. Hall's Motion to Compel and Hall's Response to Qwest's Motion for Disposition. On February 24, 2009, at a regularly scheduled meeting, the Commission unanimously voted to deny the Motion for Summary Disposition of Complaint.

On March 10, 2009, at a regularly scheduled meeting, the Commission considered Roger L. Hall's Motion to Compel and Qwest's objection based on timeliness. The Commission voted to deny Qwest's objection based on timeliness, finding that due to the hearing having been scheduled for May 2009, no party was prejudiced by the timing of the discovery requests (Steve Kolbeck, dissenting). The Commission ruled on Complainant's Motion to Compel. A discussion was held regarding the map that was provided by Qwest in this matter. The Commission voted unanimously to require the parties to prefile any maps they intended to use during the hearing three days prior to the hearing. On April 29, 2009, the Commission received a Stipulated Motion to Dismiss Complaint with Prejudice signed by the parties.

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 and ARSD Chapters 20:10:01.

At its regularly scheduled meeting on May 5, 2009, the Commission considered the Stipulated Motion to Dismiss Complaint with Prejudice. Commission Staff recommended approval. The Commission voted unanimously to grant the Stipulated Motion to Dismiss Complaint with Prejudice. It is therefore

ORDERED, that the Stipulated Motion to Dismiss Complaint with Prejudice is hereby granted and the docket closed.

Dated at Pierre, South Dakota, this 5th day of May, 2009.

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> Melaine Kolbo </u>
Date: <u> 5/8/09 </u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

 Dustin M Johnson
DUSTIN M. JOHNSON, Chairman

 Steve Kolbeck
STEVE KOLBECK, Commissioner

 Gary Hanson
GARY HANSON, Commissioner