

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

IN THE MATTER OF THE COMPLAINT FILED)	
BY KENNEBEC TELEPHONE COMPANY, INC.,)	ORDERING CANCELING
AGAINST ALLTEL COMMUNICATIONS, INC.)	HEARING
REGARDING NONPAYMENT OF TRANSITING)	
CHARGES)	TC08-031

On February 20, 2008, Kennebec Telephone Company, Inc. (Kennebec) filed a complaint against Alltel Communications, Inc. (Alltel) for failing to pay charges associated with transiting services. On May 13, 2009, Kennebec filed a Motion for Summary Judgment and Brief, and a Complainant's Statement of Undisputed Material Facts. On June 1, 2009, Alltel filed a Brief in Opposition to Kennebec's Motion for Summary Judgment and Objection to Claimant's Statement of Alleged Undisputed Material Facts in Support of Motion for Summary Judgment. On June 22, 2009, Kennebec filed a Complainant's Reply Brief in Support of Motion for Summary Judgment. At its June 23, 2009, meeting, the Commission denied Kennebec's Motion for Summary Judgment.

On January 6, 2010, Staff filed a request to schedule an evidentiary hearing and issue a Scheduling Order or to order the parties to engage in scheduling discussions with Commission Counsel to ultimately set a hearing date. On January 15, 2010, the Commission received Alltel Communications, Inc.'s Motion for Summary Judgment for Lack of Subject Matter Jurisdiction. On February 1, 2010, the Commission received Kennebec's Opposition to Alltel's Motion for Summary Judgment and Response to Alltel's Statement of Material Facts and on February 5, 2010, Alltel replied. On February 9, 2010, the Commission considered the Motion for Summary Judgment for Lack of Subject Matter Jurisdiction. The Commission voted unanimously to deny the Motion for Summary Judgment, finding that it has the jurisdiction to hear this matter.

On May 5, 2010, a prehearing conference call was held and the parties agreed that they would file the exhibits they intend to use for direct examination on or before May 20, 2010.

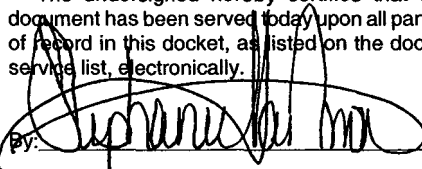
The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-13, and 49-31. The Commission may rely upon any or all of these or other laws of this state in making its determination.

The issues to be determined by the Commission are 1) whether Alltel owes Kennebec for transiting services; and 2) if Alltel owes Kennebec for transiting services, how much is owed.

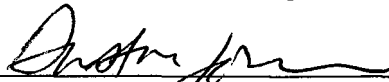
By order dated May 10, 2010, the hearing in this matter was scheduled for May 25-26, 2010. The Commission has been advised that the issues have been settled and a hearing is no longer necessary. It is therefore

ORDERED, the hearing scheduled for May 25-26, 2010, is cancelled.

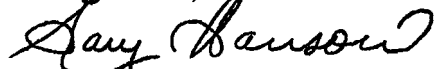
Dated at Pierre, South Dakota, this 24th day of May, 2010.

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: 
Date: <u>05/24/10</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:


DUSTIN M. JOHNSON, Chairman


STEVE KOLBECK, Commissioner


GARY HANSON, Commissioner