

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING
BY KENNEBEC TELEPHONE COMPANY, INC.,)	COMPLAINT AND CLOSING
AGAINST ALLTEL COMMUNICATIONS, INC.)	DOCKET
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.

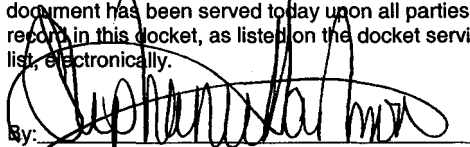
On January 6, 2010, Staff filed a request to schedule an evidentiary hearing and issue a Scheduling Order or to order the parties to engage in scheduling discussions with Commission Counsel to ultimately set a hearing date. On January 15, 2010, the Commission received Alltel Communications, Inc.'s Motion 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. On August 3, 2010, the Commission received a Stipulation for Dismissal signed by both parties.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-13, and 49-31.

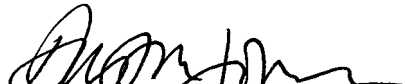
At its regularly scheduled meeting on August 25, 2010, the Commission considered this matter. Commission Staff recommended that the complaint be dismissed and the docket closed. The Commission voted unanimously to dismiss the complaint and close the docket with prejudice as to the issues associated with the original complaint. It is therefore


ORDERED that the complaint be dismissed and the docket closed.


Dated at Pierre, South Dakota, this 2nd day of September, 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>09/02/10</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:


DUSTIN M. JOHNSON, Chairman


STEVE KOLBECK, Commissioner


GARY HANSON, Commissioner