

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER CANCELLING
BY JANE HAM, CUSTER, SOUTH DAKOTA,)	HEARING
AGAINST QWEST COMMUNICATIONS, INC.)	
REGARDING UNAUTHORIZED SWITCHING OF)	CT99-040
SERVICES)	

On September 17, 1999, the Public Utilities Commission (Commission) received a complaint from Jane Ham of Custer, South Dakota (Complainant), against Qwest Communications, Inc. (Qwest) regarding unauthorized switching of services. Complainant alleges that Qwest switched telecommunications services from AT&T to Qwest on August 3, 1999, without authorization. Complainant requested a return to AT&T, \$500 damages, and a \$1,000 fine.

Pursuant to ARSD 20:10:01:08.1 and 20:10:01:09, if a complaint cannot be settled without formal action, the Commission shall determine if the complaint shows probable cause of an unlawful or unreasonable act, rate, practice or omission to go forward with the complaint.

On October 7, 1999, at a regularly scheduled meeting, Complainant appeared before the Commission. Unresolved factual issues still exist. The Commission voted unanimously to find probable cause.

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 20:10:01:07.01 through 20:10:15:01, inclusive, and ARSD Chapter 20:10:34

By order dated November 8, 1999, a hearing was scheduled for December 7, 1999, beginning at 1:30 o'clock P.M. CST, in Room 464 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. On December 6, 1999, Commission Staff talked to Complainant who informed the Staff that settlement had been reached in this matter and she wished to have her complaint dismissed, so therefore the hearing is cancelled. It is therefore

ORDERED, that the hearing scheduled for December 7, 1999, is cancelled.

Dated at Pierre, South Dakota, this 6th day of December, 1999.

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><i>Delvin Kaabo</i></u>
Date: <u>12/6/99</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

<u><i>James A. Burg</i></u> JAMES A. BURG, Chairman
<u><i>Pam Nelson</i></u> PAM NELSON, Commissioner
<u><i>Laska Schoenfelder</i></u> LASKA SCHOENFELDER, Commissioner