

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING
BY FRANK AND DOROTHY VAVRA,)	COMPLAINT AND CLOSING
GREGORY, SOUTH DAKOTA, AGAINST)	DOCKET
QWEST COMMUNICATIONS, INC.)	
REGARDING UNAUTHORIZED SWITCHING OF)	CT99-065
SERVICES)	

On November 23, 1999, the Public Utilities Commission (Commission) received a complaint filed by Frank and Dorothy Vavra, Gregory, South Dakota (Complainants), against Qwest Communications, Inc. (Qwest) regarding alleged unauthorized switching of telecommunications services. Complainants request "(1) Give credit to the Complainants for all unauthorized charges from Qwest - \$35.11, (2) Send \$5 switching fee, (3) Pay lawyer charges and fees if a lawyer is needed, (4) Pay court fees, (5) Pay penalty as South Dakota law as of July 1, '99 states per violation, and (6) Fine the company Qwest when proof of violation is ascertained."

Pursuant to ARSD 20:10:01:08.01 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 January 6, 2000, at a duly noticed meeting, the Commission voted unanimously to find probable cause. On February 22, 2000, Commission Staff was notified that the matter had been settled.

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 Chapters 20:10:01 and 20:10:34.

On February 29, 2000, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted to dismiss the complaint and close the docket. It is therefore

ORDERED, that the complaint shall be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 6th day of March, 2000.

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>Aldine Kelbo</u>
Date: <u>3/8/00</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner