

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FOR AND NOTICE
BY JERRY OGAN ON BEHALF OF OGAN)	OF HEARING
CONSTRUCTION, BLUNT, SOUTH DAKOTA,)	
AGAINST SPRINT COMMUNICATIONS)	CT99-087
COMPANY L.P. AND CRUSADE)	
COMMUNICATIONS REGARDING)	
UNAUTHORIZED SWITCHING OF SERVICES)	

On December 20, 1999, the Public Utilities Commission (Commission) received a complaint filed by Jerry Ogan on behalf of Ogan Construction, Blunt, South Dakota (Complainant), against Sprint Communications Company L.P. (Sprint). The Complainant alleged that his long distance service was switched without his authorization and he seeks application of all appropriate rules and laws as the remedy. On January 5, 2000, Complainant amended his complaint to include Crusade Communications (Crusade) as an additional respondent.

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 considered this matter and determined that there was probable cause that an unlawful or unreasonable act, rate, practice or omission was committed by Sprint. On January 18, 2000, at a duly noticed meeting, the Commission considered Complainant's request to amend his complaint and include Crusade as an additional respondent. The Commission voted unanimously to permit the amendment of the complaint and determined there was probable cause that an unlawful or unreasonable act, rate, practice or omission was committed by Crusade.

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.

A hearing shall be held on March 16, 2000, beginning at 2:00 o'clock P.M., in Room 412, State Capitol Building, 500 E. Capitol, Pierre, South Dakota. All persons testifying will be subject to cross-examination by the parties.

The issues at the hearing are: (1) whether Sprint committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate; and (2) whether Crusade committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by

default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission shall determine: (1) whether Sprint committed an unlawful or unreasonable act, rate, practice, or omission and, if so, order any appropriate relief; and (2) whether Crusade committed an unlawful or unreasonable act, rate, practice, or omission and, if so, order any appropriate relief. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that a hearing shall be held at the time and place specified above on the issues of (1) whether Sprint committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate; and (2) whether Crusade committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 3rd 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><i>Alaine Kalbs</i></u>
Date: <u>3/3/00</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