

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

IN THE MATTER OF THE COMPLAINT FILED )	ORDER CANCELLING
BY JERRY OGAN ON BEHALF OF OGAN )	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.

By order dated March 3, 2000, a hearing was scheduled for March 16, 2000, beginning at 2:00 o'clock P.M., in Room 412, State Capitol Building, 500 E. Capitol, Pierre, South Dakota. On March 16, 2000, Commission Staff was contacted by Complainant who informed the Staff that settlement had been reached in this matter and he wished to have his complaint dismissed, so therefore the hearing is cancelled. It is therefore

ORDERED, that the hearing scheduled for March 16, 2000, is cancelled.

Dated at Pierre, South Dakota, this 16th day of March, 2000.

<b>CERTIFICATE OF SERVICE</b>	
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>Alclair Kaelbo</u>
Date:	<u>3/21/00</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