

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

IN THE MATTER OF THE COMPLAINT FILED )	ORDER ALLOWING
BY JERRY OGAN ON BEHALF OF OGAN )	AMENDMENT OF
CONSTRUCTION, BLUNT, SOUTH DAKOTA, )	COMPLAINT AND FINDING
AGAINST SPRINT COMMUNICATIONS )	PROBABLE CAUSE AND
COMPANY L.P. AND CRUSADE )	NOTICE REQUIRING
COMMUNICATIONS REGARDING )	ANSWER
UNAUTHORIZED SWITCHING OF SERVICES )	CT99-087

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 (1) whether to permit amending the complaint and (2) whether 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, 49-31 and ARSD 20:10:01:16. The Commission voted unanimously (1) to permit amendment of the complaint and (2) to find probable cause. It is therefore

ORDERED, that (1) pursuant to ARSD 20:10:01:16, Complainant shall be permitted to amend his complaint to add Crusade as an additional respondent and (2) pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and the complaint shall be forwarded to Crusade and Crusade shall satisfy the complaint or file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 26<sup>th</sup> day of January, 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><i>Delsine Kalbo</i></u>
Date: <u>1/26/00</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