

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

IN THE MATTER OF THE COMPLAINT FILED) BY JERRY OGAN ON BEHALF OF OGAN) CONSTRUCTION, BLUNT, SOUTH DAKOTA,) AGAINST SPRINT COMMUNICATIONS) COMPANY L.P. AND CRUSADE) COMMUNICATIONS REGARDING) UNAUTHORIZED SWITCHING OF SERVICES)	ORDER DISMISSING COMPLAINT AND CLOSING DOCKET CT99-087
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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) regarding unauthorized switching of services. The Complainant asked for imposition of appropriate statutory remedies. The Complaint was amended to include Crusade Communications.

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. Probable cause was found against Sprint on January 6, 2000, and against Crusade Communications on January 18, 2000.

On March 16, 2000, the Commission Staff received a copy of a transmission to Complainant indicating that there had been a resolution of the matter and that the case should be considered closed and further on that date Complainant met with Commission Staff indicating resolution of the complaint.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13 and 49-31.

On March 28, 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 31st 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>Delaine Kalbo</u>
Date: <u>4/3/00</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