

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

IN THE MATTER OF THE COMPLAINT FILED) BY TIM SACTJEN, PIERRE, SOUTH) DAKOTA, AGAINST QWEST) COMMUNICATIONS, INC. REGARDING) BILLING ISSUES)	ORDER DISMISSING COMPLAINT AND CLOSING DOCKET CT99-088
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On December 22, 1999, the Public Utilities Commission (Commission) received a complaint filed by Tim Sachtjen, Pierre, South Dakota (Complainant), against Qwest Communications, Inc. (Qwest) regarding billing issues and the unauthorized switching of services. The Complainant alleged disparity in billing rates and switching of in-state long distance service without his permission. The Complainant seeks restitution, the providing of service as he desires and the imposition of statutory penalties.

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 Qwest on January 6, 2000.

On April 4, 2000, the Commission Staff received a stipulation between Qwest and Complainant resolving the matter and agreeing to its dismissal, with prejudice.

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

On April 13, 2000, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted to dismiss the complaint, with prejudice, and close the docket. It is therefore

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

Dated at Pierre, South Dakota, this 19th day of April, 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>Melanie Kalbs</u>
Date: <u>4/19/00</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenefelder
LASKA SCHOENEFELDER, Commissioner