

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

IN THE MATTER OF THE COMPLAINT FILED)	THIRD ORDER FOR AND
BY DON AND JUDY BLINDAUER, MITCHELL,)	NOTICE OF HEARING
SOUTH DAKOTA, AGAINST SPRINT)	
COMMUNICATIONS COMPANY L.P., QWEST)	CT00-060
CORPORATION AND I-LINK)	
COMMUNICATIONS, INC. REGARDING)	
UNAUTHORIZED SWITCHING OF LONG)	
DISTANCE PROVIDER)	

On April 6, 2000, the Public Utilities Commission (Commission) received a complaint filed by Don and Judy Blindauer, Mitchell, South Dakota (Complainants), against Sprint Communications Company L.P. (Sprint) regarding unauthorized switching of long distance provider.

On April 6, 2000, the complaint was faxed to Sprint. Pursuant to ARSD 20:10:01:09, the company was notified that it must satisfy the complaint or file an answer in writing with the Commission by April 26, 2000. The Commission has not received an answer from Sprint to this complaint.

On July 18, 2000, Sprint filed a Motion to Add U S WEST [Qwest Corporation]. At its regularly scheduled meeting of August 9, 2000, the Commission considered this matter. Qwest stated that it objected to being added as a party. Commission Staff recommended granting the motion. The Commission voted to grant Sprint's Motion to Add U S WEST [Qwest Corporation].

By order dated August 23, 2000, a hearing was scheduled for September 13, 2000, beginning at 1:30 P.M., in Room LCR1 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. On August 28, 2000, the Commission received an answer from Qwest. Sprint requested a continuance of the hearing and none of the other parties objected to the granting of a continuance. By order dated September 12, 2000, the hearing was continued to a later time.

On September 14, 2000, Sprint filed a Motion to Add I-Link Communications, Inc. At its regularly scheduled meeting of September 26, 2000, the Commission considered this matter. Commission Staff recommended granting the motion. The Commission voted to grant Sprint's Motion to Add I-Link Communications, Inc. (I-Link). On October 18, 2000, the Commission received an answer from I-Link.

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 December 11, 2000, beginning at 1:30 P.M., in Room 412 of the 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; (2) whether Qwest committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate; and (3) whether I-Link 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; (2) whether Qwest committed an unlawful or unreasonable act, rate, practice, or omission and, if so, order any appropriate relief; and (3) whether I-Link 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; (2) whether Qwest committed an unlawful or unreasonable act, rate, practice, or omission and, if so, what relief would be appropriate; and (3) whether I-Link 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 30th day of October, 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>Alvin Kalbo</u>
Date:	<u>10/31/00</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