

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING
BY DON AND JUDY BLINDAUER, MITCHELL,)	COMPLAINT AND CLOSING
SOUTH DAKOTA, AGAINST SPRINT)	DOCKET
COMMUNICATIONS COMPANY L.P., QWEST)	
CORPORATION AND I-LINK)	CT00-060
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.

On October 27, 2000, Sprint filed a Motion to Strike Answer. Sprint moved to strike the answer filed by I-Link because the answer was signed by an attorney who was not a member of the State Bar of South Dakota. At its November 2, 2000, meeting, the Commission considered Sprint's motion. The Commission voted unanimously to grant the motion and also allowed I-Link an additional two weeks to file another answer.

A hearing in this matter was scheduled for December 11, 2000. By order dated November 16, 2000, the hearing was cancelled as Commission Staff was informed that settlement had been reached in this matter. On November 22, 2000, the Commission received a Release and Waiver of All Claims signed by the Complainants.

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.

On December 12, 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 20th day of December, 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>Aldine Kalbo</u>
Date:	<u>12/21/00</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