

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

IN THE MATTER OF THE COMPLAINT FILED )	ORDER DISMISSING
BY ED AND JANICE ST. GEMME, DAKOTA )	COMPLAINT AND CLOSING
DUNES, SOUTH DAKOTA, AGAINST AT&T )	DOCKET
COMMUNICATIONS OF THE MIDWEST, INC. )	
AND QWEST CORPORATION REGARDING )	CT00-090
UNAUTHORIZED SWITCHING OF SERVICES )	

On July 24, 2000, the Public Utilities Commission (Commission) received a complaint filed by Ed and Janice St. Gemme, Dakota Dunes, South Dakota (Complainants), against AT&T Communications of the Midwest, Inc. (AT&T) regarding unauthorized switching of services.

On July 25, 2000, the complaint was faxed to AT&T. 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 August 14, 2000. On August 14, 2000, AT&T filed an Answer and Motion to Dismiss and Motion to Join Local Exchange Carrier Qwest Corporation (Qwest), formerly known as U S WEST Communications, Inc. as a party.

At its regularly scheduled meeting of September 13, 2000, the Commission considered this matter. Qwest stated that it objected to being added as a party. The Commission voted to grant AT&T's Motion to Join Local Exchange Carrier Qwest Corporation as a party. On October 10, 2000, Qwest filed an Answer to Complaint and Motion to Dismiss. By order dated October 20, 2000, the Commission denied AT&T and Qwest's Motions to Dismiss. A hearing in this matter was scheduled for November 2, 2000. By order dated October 31, 2000, the hearing was cancelled as Commission Staff was informed that settlement had been reached in this matter.

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 20<sup>th</sup> day of December, 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>Melaine Kelbo</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