

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

IN THE MATTER OF THE COMPLAINT FILED) ORDER CANCELLING
BY EARL A. ELIASON ON BEHALF OF EARL'S) HEARING
BARBER SHOP, PHILIP, SOUTH DAKOTA,)
AGAINST AT&T COMMUNICATIONS OF THE) CT00-100
MIDWEST, INC. REGARDING UNAUTHORIZED)
SWITCHING OF SERVICES)

On August 24, 2000, the Public Utilities Commission (Commission) received a complaint filed by Earl A. Eliason on behalf of Earl's Barber Shop, Philip, South Dakota (Complainant), against AT&T Communications of the Midwest, Inc. (AT&T) regarding unauthorized switching of services.

On August 30, 2000, the complaint was faxed to AT&T. Pursuant to ARSD 20:10:01:09, AT&T was notified that it must satisfy the complaint or file an answer in writing with the Commission by September 19, 2000. On September 19, 2000, the Commission received an answer from AT&T.

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.

By order dated October 6, 2000, a hearing was scheduled for November 2, 2000, in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. Commission Staff has now been informed that settlement had been reached in this matter, so therefore the hearing is cancelled. It is therefore

ORDERED, that the hearing scheduled for November 2, 2000, is cancelled.

Dated at Pierre, South Dakota, this 13th 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>Delaine Kalbo</u>
Date: <u>10/13/00</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