

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER DISMISSING</b>
<b>BY JAMES MELGAARD, PIERRE, SOUTH )</b>	<b>COMPLAINT AND CLOSING</b>
<b>DAKOTA, AGAINST U S WEST )</b>	<b>DOCKET</b>
<b>COMMUNICATIONS, INC. AND SPRINT )</b>	
<b>COMMUNICATIONS COMPANY L.P. )</b>	<b>CT99-090</b>
<b>REGARDING UNAUTHORIZED SWITCHING OF )</b>	
<b>SERVICES )</b>	

On December 23, 1999, the Public Utilities Commission (Commission) received a complaint filed by James Melgaard, Pierre, South Dakota (Complainant), against U S West Communications, Inc. (U S WEST) and Sprint Communications Company L.P. (Sprint). The Complainant alleges that his long distance service was switched from AT&T to Sprint and that he only used VarTec dial-around service for interstate long distance calls. Complainant seeks rerating of the calls in question to 10 cents per minute, a credit for overcharges billed by Sprint and U S WEST and a letter from U S WEST stating that there will be no further billings by U S WEST or Sprint for out of state calls.

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. This matter was scheduled for a probable cause determination at the Commission's regularly scheduled January 6, 2000, meeting.

On January 5, 2000, the Commission Staff received a phone call from Complainant indicating that there had been a resolution of the matter and that the case should be considered closed.

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

On January 6, 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 12th day of January, 2000.

<p><b>CERTIFICATE OF SERVICE</b></p> <p>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.</p> <p>By: _____</p> <p>Date: _____</p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

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JAMES A. BURG, Chairman

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PAM NELSON, Commissioner

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LASKA SCHOENFELDER, Commissioner