

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

IN THE MATTER OF THE COMPLAINT FILED)
BY JOYCE FERRIS ON BEHALF OF FERRIS)
CRANE SERVICE AND MIDWEST RECYCLING)
CENTER, HURON, SOUTH DAKOTA, AGAINST)
QWEST COMMUNICATIONS, INC.,)
PREFERRED BILLING AND USBI)
REGARDING UNAUTHORIZED SWITCHING OF)
SERVICES)

ORDER DISMISSING
COMPLAINT AND CLOSING
DOCKET

CT00-087

On July 18, 2000, the Public Utilities Commission (Commission) received a complaint filed by Joyce Ferris on behalf of Ferris Crane Service and Midwest Recycling Center, Huron, South Dakota (Complainant), against Qwest Communications, Inc. (Qwest), Preferred Billing (Preferred Billing and USBI (USBI) regarding unauthorized switching of services.

On July 18, 2000, the complaint was faxed to Qwest, Preferred Billing and USBI. Pursuant to ARSD 20:10:01:09, Qwest, Preferred Billing and USBI were notified that they must satisfy the complaint or file answers in writing with the Commission by August 7, 2000. On July 19, 2000, the Commission received a letter response from Preferred Billing. On July 31, 2000, the Commission received an answer and motion to dismiss from USBI. On August 7, 2000, the Commission received an answer from Qwest.

On August 9, 2000, at a duly noticed meeting, USBI presented its argument for the granting of its Motion to Dismiss. Commission Staff recommended that the Commission grant the Motion to Dismiss. The Commission voted to grant the Motion to Dismiss. On August 25, 2000, Commission Staff received word from the Complainant stating that the complaint against the companies had been resolved.

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 September 13, 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 19th day of September, 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>Melanie Kelbo</u>	
Date: <u>9/20/00</u>	
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHÖENFELDER, Commissioner