

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING
BY DAN GRIDER, BALTIC, SOUTH DAKOTA,)	COMPLAINT AND CLOSING
AGAINST QWEST COMMUNICATIONS, INC.)	DOCKET
REGARDING UNAUTHORIZED SWITCHING OF)	
SERVICES)	CT00-002

On December 28, 1999, the Public Utilities Commission (Commission) received a complaint filed by Dan Grider, Baltic, South Dakota (Complainant), against Qwest Communications Inc. (Qwest). The Complainant alleges his long distance provider was switched to Qwest without his authorization. Complainant requests reinstatement to his previous provider and the imposition of statutory fines and penalties.

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.

On January 18, 2000, at a duly noticed meeting, the Complainant appeared and the Commission considered this matter and determined that there was probable cause that an unlawful or unreasonable act, rate, practice or omission was committed by Qwest. Qwest did not appear. Commission Staff recommended a finding of probable cause. The Commission voted unanimously to find probable cause. A hearing in this matter was scheduled for July 19, 2000. By order dated July 14, 2000, the hearing was cancelled as Commission Staff received word from the Complainant stating that the complaint against Qwest 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 August 9, 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 16th day of August, 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: _____
Date: _____
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

LASKA SCHOENFELDER, Commissioner

