

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

IN THE MATTER OF THE COMPLAINT FILED )	ORDER DENYING MOTIONS
BY ED AND JANICE ST. GEMME, DAKOTA )	TO DISMISS
DUNES, SOUTH DAKOTA, AGAINST AT&T )	
COMMUNICATIONS OF THE MIDWEST, INC. )	CT00-090
AND QWEST CORPORATION REGARDING )	
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 the Motion to Join Local Exchange Carrier Qwest as a party. 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.

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, 49-31-12 through 49-31-12.5, inclusive, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-84 through 49-31-86.2, inclusive.

On October 17, 2000, at a regularly scheduled meeting, the Commission considered the Motions to Dismiss. The Commission voted unanimously to deny the Motions to Dismiss of AT&T and Qwest. It is therefore

ORDERED, that the Motions to Dismiss of AT&T and Qwest are hereby denied.

Dated at Pierre, South Dakota, this 20th day of October, 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>Alaine Kalbo</u>
Date: <u>10/23/00</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