

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

IN THE MATTER OF THE COMPLAINT FILED ) BY ED AND JANICE ST. GEMME, DAKOTA ) DUNES, SOUTH DAKOTA, AGAINST AT&T ) COMMUNICATIONS OF THE MIDWEST, INC. ) AND QWEST CORPORATION REGARDING ) UNAUTHORIZED SWITCHING OF SERVICES )	ORDER CANCELLING HEARING  CT00-090
---	---

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 this matter. 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. By order dated October 20, 2000, the Commission denied AT&T and Qwest's Motions 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, 49-31-38, 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 September 27, 2000, a hearing was scheduled for November 2, 2000, beginning at 3:00 P.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. On October 31, 2000, Commission Staff was 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 31<sup>st</sup> 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>Delaine Kalbo</u>
Date: <u>10/31/00</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

<u>James A. Burg</u> JAMES A. BURG, Chairman
<u>Pam Nelson</u> PAM NELSON, Commissioner
<u>Laska Schoenfelder</u> LASKA SCHOENFELDER, Commissioner