

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER GRANTING MOTION
BY VERN L. DOUVILLE, CHAMBERLAIN,)	TO DISMISS
SOUTH DAKOTA, AGAINST AMERICA'S TELE-)	
NETWORK CORP. AND ILD TELESERVICES,)	CT00-108
INC. REGARDING UNAUTHORIZED)	
SWITCHING OF SERVICES)	

On November 13, 2000, the Public Utilities Commission (Commission) received a complaint filed by Vern L. Douville, Chamberlain, South Dakota (Complainant), against America's Tele-Network Corp. (ATN) regarding unauthorized switching of services.

On November 13, 2000, the complaint was faxed to ATN. Pursuant to ARSD 20:10:01:09, ATN was notified that it must satisfy the complaint or file an answer in writing with the Commission by December 4, 2000. On December 20, 2000, Complainant filed a request to add ILD Teleservices, Inc. (ILD) as a party. On January 4, 2001, the Commission granted Complainant's request to add ILD as a party. On January 24, 2001, ILD filed an Answer to Complaint, Motion to Dismiss and Cross-Claim. On February 5, 2001, ATN filed a letter response to this complaint.

On February 6, 2001, at a duly noticed meeting, Commission Staff recommended that the Commission grant the 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, 49-31-38, 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 February 6, 2001, at a regularly scheduled meeting, the Commission considered this matter. The Commission voted to grant the Motion to Dismiss (Pam Nelson, dissenting). It is therefore

ORDERED, that ILD's Motion to Dismiss is granted.

Dated at Pierre, South Dakota, this 13th day of February, 2001.

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>Debra Kaelin</u>
Date: <u>2/14/01</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner, dissenting

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner