

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

IN THE MATTER OF THE COMPLAINT FILED )	ORDER DISMISSING
BY JULIE ROESLER ON BEHALF OF SLEEP )	COMPLAINT AND CLOSING
INN, SIOUX FALLS, SOUTH DAKOTA, )	DOCKET
AGAINST SPRINT COMMUNICATIONS )	
COMPANY L.P., MCLEODUSA )	CT00-014
TELECOMMUNICATIONS SERVICES, INC. )	
AND U S WEST COMMUNICATIONS, INC. )	
REGARDING UNAUTHORIZED )	
DISCONNECTION AND UNAUTHORIZED )	
SWITCHING OF SERVICES )	

On January 10, 2000, the Public Utilities Commission (Commission) received a complaint filed by Julie Roesler on behalf of Sleep Inn, Sioux Falls, South Dakota (Complainant), against Sprint Communications Company L.P. (Sprint). The Complainant alleges that the phone lines, including the fax lines were inoperable from September 20 through October 8, 1999. Complainant also alleges that it was switched from AT&T to Sprint without authorization. Complainant requests that the Sprint charges be removed from its bill, and that a fine of \$1000 per phone line be imposed.

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 February 2, 2000, at a duly noticed meeting, Commission Staff recommended a finding of probable cause due to unresolved factual issues. The Commission voted unanimously to find probable cause. On March 6, 2000, the Commission received a request from Sprint to add McLeodUSA and U S WEST Communications. The matter was heard at the March 28, 2000, meeting. The matter was deferred at that time. On April 28, 2000, an Order for and Notice of Hearing was issued setting a hearing for May 31, 2000. On May 4, 2000, Sprint filed its Revised Answer and Renewed Request for Addition of Other Parties.

At its regularly scheduled meeting of May 17, 2000, the Commission considered Sprint's filing. U S WEST did not object to being added as a party. McLeod was not present. The Commission voted unanimously to grant Sprint's motion which added U S WEST and McLeod as parties and to find probable cause against U S WEST and McLeod.

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 July 13, 2000, at a regularly scheduled meeting, the Commission considered this matter. As Commission Staff was informed that settlement had been reached in this matter, 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 20th day of July, 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><i>William Kalbs</i></u>
Date: <u>7/20/00</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*James A. Burg*  
JAMES A. BURG, Chairman

*Pam Nelson*  
PAM NELSON, Commissioner

*Laska Schoenfelder*  
LASKA SCHOENFELDER, Commissioner