

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FINDING
BY FRED PRAHL ON BEHALF OF WINDOWS,)	PROBABLE CAUSE AND
INC., DESMET, SOUTH DAKOTA, AGAINST)	NOTICE REQUIRING
INACOM COMMUNICATIONS, INC. AND U S)	ANSWER
WEST COMMUNICATIONS, INC. REGARDING)	
UNAUTHORIZED SWITCHING OF SERVICES)	CT00-036

On February 10, 2000, the Public Utilities Commission (Commission) received a complaint filed by Fred Prahl on behalf of Windows, Inc., DeSmet, South Dakota (Complainant), against Inacom Communications, Inc. (Inacom) and U S WEST Communications, Inc. (U S WEST) regarding unauthorized switching of services. Complainant is requesting "to see this practice ended by taking away the licenses of the companies misrepresenting themselves in this manner and to prosecute persons representing these companies."

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 29, 2000, at a duly noticed meeting, Commission Staff recommended a finding of probable cause due to unresolved factual issues.

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. The Commission voted unanimously to find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and that the complaint shall be forwarded to Inacom and U S WEST and Inacom and U S WEST shall satisfy the complaint or file with the Commission their answers in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 6th day of March, 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: <u><i>Alvirne Koelbo</i></u>
Date: <u>3/8/00</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