

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DENYING U S
BY PHIL EDWARDS, SPEARFISH, SOUTH)	WEST'S MOTION TO
DAKOTA, AGAINST U S WEST)	DISMISS; ORDER DENYING
COMMUNICATIONS, INC. AND AT&T)	AT&T'S MOTION TO
COMMUNICATIONS OF THE MIDWEST, INC.)	DISMISS
REGARDING BILLING ISSUES)	CT00-052

On March 22, 2000, the Public Utilities Commission (Commission) received a complaint filed by Phil Edwards, Spearfish, South Dakota (Complainant), against U S WEST Communications, Inc. (U S WEST) and AT&T Communications of the Midwest, Inc. (AT&T) regarding billing issues.

On March 23, 2000, the complaint was faxed to U S WEST and AT&T. Pursuant to ARSD 20:10:01:09, U S WEST and AT&T were notified that they must satisfy the complaint or file an answer in writing with the Commission by April 12, 2000. On April 12, 2000, the Commission received answers to the complaint from U S WEST and AT&T as well as a Motion to Dismiss by both parties. The hearing in this matter is scheduled for July 19, 2000.

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 the motions to dismiss. Upon recommendation of Commission Staff, the Commission voted to deny both motions to dismiss. It is therefore

ORDERED, that U S WEST's Motion to Dismiss is hereby denied. It is further

ORDERED, that AT&T's Motion to Dismiss is hereby denied.

Dated at Pierre, South Dakota, this 20th day of July, 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>Deloris Kelbo</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