

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FOR AND NOTICE
BY GARY R. AND VICTORIA A. WITCHER,)	OF HEARING
WATERTOWN, SOUTH DAKOTA, AGAINST)	
U S WEST COMMUNICATIONS, INC. AND)	CT00-050
AT&T COMMUNICATIONS OF THE MIDWEST,)	
INC. REGARDING FAILURE TO SWITCH)	
SERVICES AND UNAUTHORIZED CHARGES)	

On March 22, 2000, the Public Utilities Commission (Commission), received a complaint from Gary R. and Victoria A. Witcher, Watertown, South Dakota (Complainants) against U S WEST Communications, Inc. (U S WEST) and AT&T Communications of the Midwest, Inc. (AT&T). Complainants alleged the mishandling of a cancellation of long distance service from AT&T.

On March 22, 2000, the complaint was faxed to AT&T and U S WEST. Pursuant to ARSD 20:10:01:09, AT&T and U S WEST were notified that it must satisfy the complaint or file an answer in writing with the Commission by April 11, 2000. On April 11, 2000, AT&T and U S WEST each filed their Answers and Motions to Dismiss. On May 17, 2000, at its regularly scheduled meeting, the Commission considered the Motions to Dismiss. AT&T was represented by Michel Singer Nelson and Colleen Sevold spoke on behalf of U S WEST. Commission Staff recommended denial of both motions. The Commission denied the 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.

A hearing shall be held on July 18, 2000, beginning at 1:30 o'clock P.M., in LCR 1 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. All persons testifying will be subject to cross-examination by the parties.

The issues at the hearing are: (1) whether U S WEST committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate; and (2) whether AT&T committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the

hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission shall determine: (1) whether U S WEST committed an unlawful or unreasonable act, rate, practice or omission and, if so, order any appropriate relief; and (2) whether AT&T committed an unlawful or unreasonable act, rate, practice or omission and, if so, order any appropriate relief. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that a hearing shall be held at the time and place specified above on the issues of: (1) whether U S WEST committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate; and (2) whether AT&T committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 6th day of June, 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 first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u>Melanie Kalbo</u>
Date: <u>6/6/00</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