

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

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

By order dated June 6, 2000, a hearing was scheduled for 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. Commission Staff was informed that settlement had been reached in this matter, so therefore the hearing is cancelled. It is therefore

ORDERED, that the hearing scheduled for July 18, 2000, is cancelled.

Dated at Pierre, South Dakota, this 14<sup>th</sup> 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 first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u><i>Aldine Kalbo</i></u>
Date: <u>7/14/00</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