

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

IN THE MATTER OF THE COMPLAINT FILED) BY LARRY AND JUDY COYLE, PIERRE,) SOUTH DAKOTA, AGAINST QWEST) CORPORATION, TOUCH AMERICA SERVICES,) INC., WEBNET COMMUNICATIONS, INC. AND) AMERICA'S TELE-NETWORK CORP.) REGARDING UNAUTHORIZED SWITCHING OF) SERVICES)	ORDER DISMISSING COMPLAINT AND CLOSING DOCKET CT01-019
---	---

On April 30, 2001, the Public Utilities Commission (Commission) received a complaint filed by Larry and Judy Coyle, Pierre, South Dakota (Complainants), against Qwest Corporation (Qwest), Touch America Services, Inc. (Touch America) and WebNet Communications, Inc. (WebNet) regarding unauthorized switching of services.

On May 1, 2001, the complaint was faxed to Qwest, Touch America and WebNet. Pursuant to ARSD 20:10:01:09, Qwest, Touch America and WebNet were notified that they must satisfy the complaint or file answers in writing with the Commission by May 21, 2001. On May 21, 2001, the Commission received an answer from Qwest. On June 5, 2001, Judy Coyle, one of the Complainants, filed a request to add America's Tele-Network Corp. (ATN) as a party. On June 11, 2001, the Commission received an answer from Touch America. The Commission has not received an answer from WebNet to this complaint. At its June 19, 2001, meeting, the Commission considered Complainant's request to add ATN as a party. ATN did not appear at the meeting. The Commission voted to grant Complainant's request to add ATN as a party. On August 7, 2001, the Commission received an answer from ATN. Commission Staff was informed that settlement had been reached in this matter.

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 November 8, 2001, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, 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 13th day of November, 2001.

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>Helaine Kaelo</i></u>
Date: <u>11/13/01</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

<u><i>James A. Burg</i></u> JAMES A. BURG, Chairman
<u><i>Pam Nelson</i></u> PAM NELSON, Commissioner