

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER CANCELLING
BY DENISE HAERTER, SIOUX FALLS, SOUTH)	HEARING
DAKOTA, AGAINST MIDCONTINENT)	
COMMUNICATIONS, INC. AND QWEST)	CT01-039
CORPORATION REGARDING)	
UNAUTHORIZED SWITCHING OF SERVICES)	

On September 7, 2001, the Public Utilities Commission (Commission) received a complaint filed by Denise Haerter, Sioux Falls, South Dakota (Complainant), against Midcontinent Communications, Inc. (Midcontinent) and Qwest Corporation (Qwest) regarding unauthorized switching of services.

On September 7, 2001, the complaint was faxed to Midcontinent and Qwest. Pursuant to ARSD 20:10:01:09, Midcontinent and Qwest were notified that they must satisfy the complaint or file answers in writing with the Commission by September 27, 2001. On September 27, 2001, the Commission received an answer from Midcontinent and on September 28, 2001, the Commission received an answer from Qwest. On October 4, 2001, the Commission received a Motion to Dismiss from Qwest.

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 September 28, 2001, a hearing was scheduled for October 10, 2001, in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota, immediately following the hearings for Dockets CT01-029 and CE01-002. On October 9, 2001, 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 October 10, 2001, is cancelled.

Dated at Pierre, South Dakota, this 9th day of October, 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>Delaine Kaelo</i></u>
Date: <u>10/9/01</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner