

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

IN THE MATTER OF THE COMPLAINT FILED) BY JACKIE DANIELS, SIOUX FALLS, SOUTH) DAKOTA, AGAINST AT&T COMMUNICATIONS) OF THE MIDWEST, INC. AND QWEST) CORPORATION REGARDING) UNAUTHORIZED SWITCHING OF SERVICES)	ORDER DISMISSING COMPLAINT AND CLOSING DOCKET CT02-005
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On January 22, 2002, the Public Utilities Commission (Commission) received a complaint filed by Jackie Daniels, Sioux Falls, South Dakota (Complainant), against AT&T Communications of the Midwest, Inc. (AT&T) and Qwest Corporation (Qwest) regarding unauthorized switching of services.

On January 23, 2002, the complaint was faxed to AT&T and Qwest. Pursuant to ARSD 20:10:01:09, AT&T and Qwest were notified that they must satisfy the complaint or file answers in writing with the Commission by February 12, 2002. On February 12, 2002, the Commission received a motion to dismiss AT&T as a party from AT&T and an answer from Qwest. 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 February 26, 2002, 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 6th day of March, 2002.

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>Melaine Kalbo</u>
Date: <u>3/6/02</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Robert K. Sahr
ROBERT K. SAHR, Commissioner