

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DENYING MOTION
BY SHARON AND ROBERT HERRICK,)	TO DISMISS
EMERY, SOUTH DAKOTA, AGAINST SPRINT)	
COMMUNICATIONS COMPANY, L.P.)	CT02-035
REGARDING UNAUTHORIZED SWITCHING OF)	
SERVICES)	

On September 3, 2002, the Public Utilities Commission (Commission) received a complaint filed by Sharon and Robert Herrick, Emery, South Dakota (Complainant), against Sprint Communications Company, L.P. (Sprint) regarding unauthorized switching of services.

On September 3, 2002, the complaint was sent to Sprint. Pursuant to ARSD 20:10:01:09, Sprint was notified that it must satisfy the complaint or file an answer in writing with the Commission by September 23, 2002. On September 20, 2002, the Commission received an Answer from Sprint. On September 26, 2002, the Commission received a Motion To Dismiss from Sprint.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-34A.

On October 17, 2002, at a regularly scheduled meeting, the Commission considered the Motion to Dismiss, finding that the complaint presents genuine issues of material fact which remain unresolved. The Commission voted unanimously to deny the Motion to Dismiss. It is therefore

ORDERED, that the Motion to Dismiss is hereby denied.

Dated at Pierre, South Dakota, this 28th day of October, 2002.

<p>CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u>Tire Douglas</u></p> <p>Date: <u>October 28, 2002</u></p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Robert K. Sahr
ROBERT K. SAHR, Commissioner