

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER GRANTING MOTION</b>
<b>BY BRIAN HANKEL, HARTFORD, SOUTH )</b>	<b>TO DISMISS COMPLAINT</b>
<b>DAKOTA, AGAINST SPRINT )</b>	<b>AGAINST SPRINT</b>
<b>COMMUNICATIONS COMPANY L.P., ZONE )</b>	
<b>TELECOM, INC. AND EXPRESS )</b>	<b>CT09-001</b>
<b>COMMUNICATIONS, INC. REGARDING )</b>	
<b>UNAUTHORIZED SWITCHING OF SERVICES )</b>	

On June 4, 2009, the Public Utilities Commission (Commission) received a complaint filed by Brian Hankel, Hartford, South Dakota (Complainant), against Sprint Communications Company L.P. (Sprint), Zone Telecom, Inc. (Zone) and Express Communications, Inc. (Express) regarding unauthorized switching of services.

On June 4, 2009, the complaint was electronically transmitted to Sprint, Zone and Express. Pursuant to ARSD 20:10:01:09, Sprint, Zone and Express were notified that they must satisfy the complaint or file answers in writing with the Commission by June 24, 2009. On June 9, 2009, the Commission received a Motion to Dismiss Complaint against Sprint Communications Company L.P.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13 and 49-31.

On June 23, 2009, at a regularly scheduled meeting, the Commission considered the Motion to Dismiss Complaint against Sprint. Commission Staff recommended granting the Motion. The Commission voted unanimously to grant the Motion to Dismiss Complaint against Sprint on the grounds that the complaint itself established that no basis exists to support a claim against sprint. It is therefore

ORDERED, that the Motion to Dismiss Complaint against Sprint is hereby granted.

Dated at Pierre, South Dakota, this 30<sup>th</sup> day of June, 2009.

<p><b>CERTIFICATE OF SERVICE</b></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, electronically.</p> <p>By: <u><i>Ailaine Kalbo</i></u></p> <p>Date: <u>7/1/09</u></p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

*Dustin M. Johnson*  
DUSTIN M. JOHNSON, Chairman *dk*

*Steve Kolbeck*  
STEVE KOLBECK, Commissioner

*Gary Hanson*  
GARY HANSON, Commissioner