

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

IN THE MATTER OF THE COMPLAINT FILED) ORDER GRANTING MOTION
BY WILLIAM AND EILEEN REIDY, SIOUX) TO DISMISS
FALLS, SOUTH DAKOTA, AGAINST SPRINT)
COMMUNICATIONS COMPANY L.P. AND U S) CT99-032
WEST COMMUNICATIONS, INC. REGARDING)
UNAUTHORIZED SWITCHING OF SERVICES)

On August 11, 1999, the Public Utilities Commission (Commission) received a complaint filed by William and Eileen Reidy, Sioux Falls, South Dakota (Complainants), against Sprint Communications Company L.P. (Sprint) and U S WEST Communications, Inc. (U S WEST). The Complainants alleged unauthorized switching of long distance services and ask that the provisions of the law for a \$1,000 payment to the consumer be enforced and applied here.

Pursuant to ARSD 20:10:01:08.01 and 20:10:01:09, if a complaint cannot be settled without formal action, the Commission shall determine if the complaint shows probable cause of an unlawful or unreasonable act, rate, practice or omission to go forward with the complaint.

On August 25, 1999, at a duly noticed meeting, the Commission considered this matter and determined that there was probable cause that an unlawful or unreasonable act, rate, practice or omission was committed by Sprint and U S WEST.

On September 20, 1999, U S WEST filed a Motion to Dismiss U S WEST as a respondent in the complaint. On October 1, 1999, Sprint filed an Amended Answer stating that its original assertion that U S WEST was at fault in the switching of the Complainants was in error. Sprint stated that the Complainants were improperly switched as a result of a keying error of a Sprint employee.

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, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive. Based on Sprint's Amended Answer, the Commission voted unanimously to grant U S WEST's Motion to Dismiss. It is therefore

ORDERED, that U S WEST's Motion to Dismiss U S WEST as a respondent in this complaint is granted

Dated at Pierre, South Dakota, this 20th day of October, 1999.

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>DeLaine Kallo</u>
Date: <u>10/20/99</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner