

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

IN THE MATTER OF THE COMPLAINT FILED)	SECOND ORDER FOR AND
BY STORBECK TRUCKING, INC., HURON,)	NOTICE OF HEARING
SOUTH DAKOTA, AGAINST SPRINT)	
COMMUNICATIONS COMPANY L.P. AND)	CT99-053
ACCUTEL COMMUNICATIONS, INC.)	
REGARDING UNAUTHORIZED SWITCHING)	
OF SERVICES)	

On November 5, 1999, the Public Utilities Commission (Commission) received a complaint filed by Storbeck Trucking, Inc., Huron, South Dakota (Complainant), against Sprint Communications Company L.P. (Sprint) regarding unauthorized switching of services. Complainant seeks to have the matter corrected and any other amounts due to it.

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 November 15, 1999, at a duly noticed meeting, the Commission voted unanimously to find probable cause against Sprint due to unresolved factual issues. A hearing was scheduled for February 25, 2000. On February 23, 2000, Doris Storbeck, Complainant's representative, informed the Commission Staff that she was unable to attend the hearing on the date scheduled. By Order dated February 23, 2000, the hearing was cancelled.

On March 6, 2000, the Commission received a request from Sprint for the addition of Accutel Communications, Inc. (Accutel) as a party to the complaint. At its regularly scheduled March 28, 2000, meeting, the Commission voted to grant Sprint's request to add Accutel to the complaint.

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.

A hearing shall be held on June 28, 2000, beginning at 1:30 o'clock P.M., in the Meeting Room of the Best Western of Huron, 2000 Dakota Avenue South, Huron, South Dakota. All persons testifying will be subject to cross-examination by the parties.

The issues at the hearing are: (1) whether Sprint committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate; and (2) whether Accutel committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission shall determine: (1) whether Sprint committed an unlawful or unreasonable act, rate, practice, or omission and, if so, order any appropriate relief; and (2) whether Accutel committed an unlawful or unreasonable act, rate, practice, or omission and, if so, order any appropriate relief. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED that a hearing shall be held at the time and place specified above on the issues of: (1) whether Sprint committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate; and (2) whether Accutel committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 26th day of May, 2000.

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>Melanie Kalbo</i></u>
Date:	<u>5/26/00</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenefelder
LASKA SCHOENEFELDER, Commissioner