

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

IN THE MATTER OF THE COMPLAINT FILED ) BY STORBECK TRUCKING, INC., HURON, ) SOUTH DAKOTA, AGAINST SPRINT ) COMMUNICATIONS COMPANY L.P. AND ) ACCUTEL COMMUNICATIONS, INC. ) REGARDING UNAUTHORIZED SWITCHING ) OF SERVICES )	ORDER AMENDING COMPLAINT AND REQUIRING ANSWER  CT99-053
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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. On November 15, 1999, at a duly noticed meeting, the Commission voted unanimously to find probable cause 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 and shall be rescheduled at a later date.

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 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.

It is therefore

ORDERED, that Sprint's request to add Accutel as a party/respondent to the above-captioned complaint shall be granted and that Accutel shall satisfy the complaint or file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 31<sup>st</sup> day of March, 2000.

<b>CERTIFICATE OF SERVICE</b>
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>Delaine Koeb</i></u>
Date: <u>4/3/00</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