

**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 DISMISSING COMPLAINT AND CLOSING DOCKET  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.

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, Commission Staff recommended a finding of probable cause against Sprint due to unresolved factual issues. The Commission voted unanimously to find probable cause. 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. A hearing scheduled for June 28, 2000, was cancelled as a settlement had been reached by the parties.

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.

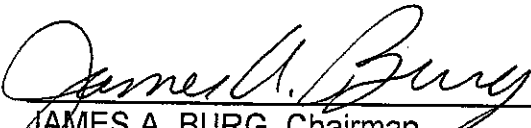


On July 13, 2000, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted to dismiss the complaint and close the docket. It is therefore

ORDERED, that the complaint shall be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 20<sup>th</sup> day of July, 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>Melanie Kolbo</u>
Date: <u>7/20/00</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

 _____ JAMES A. BURG, Chairman
 _____ PAM NELSON, Commissioner
 _____ LASKA SCHOENFELDER, Commissioner