

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

IN THE MATTER OF THE COMPLAINT FILED) BY TIM SACTJEN, PIERRE, SOUTH) DAKOTA, SOUTH DAKOTA, AGAINST QWEST) COMMUNICATIONS, INC.. REGARDING) BILLING ISSUES))	ORDER FINDING PROBABLE CAUSE AND NOTICE REQUIRING ANSWER CT99-088
---	---	---

On December 22, 1999, the Public Utilities Commission (Commission) received a complaint filed by Tim Sachtjen, Pierre, South Dakota (Complainant), against Qwest Communications Inc. (Qwest). The Complainant alleges he was offered interstate long distance service for 5 cents per minute but was later told it would be 9 cents per minute decreasing to 5 cents per minute depending on the length of the call. He was also charged for calls which were not answered. Complainant requests that Qwest's practices be examined and that statutory remedies for slamming be applied.

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 January 6, 2000, at a duly noticed meeting, the Complainant appeared and 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 Qwest. Qwest did not appear. Commission Staff recommended a finding of probable cause.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13 and 49-31. The Commission voted unanimously to find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and the complaint shall be forwarded to Qwest and Qwest 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 12th day of January, 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>Delaine Kelbo</u>
Date: <u>1/13/00</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