

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER GRANTING MOTION
BY MARVIE TSCHETTER ON BEHALF OF)	TO AMEND THE
BASEC.NET, HURON, SOUTH DAKOTA,)	COMPLAINT AND ADD
AGAINST FIRSTEL, INC. AND QWEST)	QWEST CORPORATION AS
CORPORATION REGARDING A BILLING)	A PARTY
DISPUTE AND THE DELAYED RELEASE OF)	
SERVICE)	CT00-043

On February 29, 2000, the Public Utilities Commission (Commission) received a complaint filed by Marvie Tschetter on behalf of Basec.Net, Huron, South Dakota (Complainant), against FirsTel, Inc. (FirsTel) regarding the delayed release of service and billing disputes. Complainant requests that her telephone numbers be reactivated and released, that the Basec.Net account be terminated and zeroed out with FirsTel upon release of the numbers and that there be a complete audit of the account.

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 14, 2000, at a duly noticed meeting, Commission Staff recommended a finding of probable cause due to unresolved factual issues. The Commission voted unanimously to find probable cause. On October 13, 2000, the Commission received a Motion to Amend Complaint. On October 16, 2000, the Commission received a Motion to Join Qwest as a Party. A hearing was scheduled for December 13, 2000. By order dated November 8, 2000, the hearing was cancelled and a new hearing will be set at a later time.

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.

At its regularly scheduled meeting of November 2, 2000, the Commission considered this matter. Qwest stated that it did not object to being added as a party. The Commission unanimously voted to grant Basec.Net's Motion to Amend Complaint and also granted Basec.Net's Motion to Join Qwest as a Party. It is therefore

ORDERED that Basec.Net shall be allowed to amend its complaint. It is

FURTHER ORDERED, that Qwest shall be added as a party in the above captioned matter, and that the complaint shall be forwarded to Qwest and Qwest shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 16th day of November, 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>Neiline Kelbo</i></u>
Date: <u>11/16/00</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