

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

IN THE MATTER OF THE COMPLAINT FILED))	ORDER GRANTING MOTION
BY KATHLEEN GODFREY, SIOUX FALLS,))	TO DISMISS; ORDER
SOUTH DAKOTA, AGAINST AT&T))	DISMISSING COMPLAINT
COMMUNICATIONS OF THE MIDWEST, INC.))	AND CLOSING DOCKET
REGARDING UNAUTHORIZED SWITCHING OF))	
SERVICES))	CT00-049

On March 22, 2000, the Public Utilities Commission (Commission) received a complaint filed by Kathleen Godfrey, Sioux Falls, South Dakota, against AT&T Communications of the Midwest, Inc. regarding unauthorized switching of services. The Complainant alleges that after disconnecting service from AT&T, her service was switched back to AT&T without authorization twice. The Complainant requests that the PUC "take up this issue and prosecute AT&T for their unprofessional and illegal activities." On April 11, 2000, AT&T filed a Motion to Dismiss with the Commission.

On May 30, 2000, at a duly noticed meeting, AT&T presented its argument for the granting of its Motion to Dismiss. Commission Staff recommended that the Commission grant the Motion to Dismiss due to the timing of the alleged unauthorized switching of service. Ms. Godfrey was not present.

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 May 30, 2000, at a regularly scheduled meeting, the Commission considered this matter. The Commission voted to grant the Motion to Dismiss, to dismiss the complaint and close the docket. It is therefore

ORDERED, that AT&T's Motion to Dismiss shall be granted, the complaint shall be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 6th day of June, 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: _____
Date: _____
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

LASKA SCHOENFELDER, Commissioner