

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

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| IN THE MATTER OF THE COMPLAINT FILED) | ORDER GRANTING MOTION |
| BY BERT FLATEN, SIOUX FALLS, SOUTH) | TO DISMISS; ORDER |
| DAKOTA, AGAINST AT&T COMMUNICATIONS) | DISMISSING COMPLAINT |
| OF THE MIDWEST, INC. REGARDING) | AND CLOSING DOCKET |
| UNAUTHORIZED SWITCHING OF SERVICES) | CT00-098 |

On August 21, 2000, the Public Utilities Commission (Commission) received a complaint filed by Bert Flaten, Sioux Falls, South Dakota, against AT&T Communications of the Midwest, Inc. (AT&T) regarding unauthorized switching of services. On September 1, 2000, AT&T filed an Answer and Motion to Dismiss with the Commission.

On September 26, 2000, at a duly noticed meeting, AT&T presented its argument for the granting of its Motion to Dismiss. Commission Staff reported that Mr. Flaten did not object to granting AT&T's Motion to Dismiss. Commission Staff recommended that the Commission grant the Motion to Dismiss.

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 September 26, 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 29th day of September, 2000.

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| <p>CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u><i>Almaire Kalbo</i></u></p> <p>Date: <u>9/29/00</u></p> <p align="center">(OFFICIAL SEAL)</p> |
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BY ORDER OF THE COMMISSION:

James A. Burg
 JAMES A. BURG, Chairman

Pam Nelson
 PAM NELSON, Commissioner

Laska Schoenfelder
 LASKA SCHOENFELDER, Commissioner