

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER GRANTING
BY ROBERT E. CROW, STEPHAN, SOUTH)	REQUEST FOR EXTENSION
DAKOTA, AGAINST AT&T COMMUNICATIONS)	OF TIME; ORDER FOR AND
OF THE MIDWEST, INC. AND MIDSTATE)	NOTICE OF HEARING
COMMUNICATIONS, INC. REGARDING)	
DELAYED DISCONNECTION)	CT00-102

On September 13, 2000, the Public Utilities Commission (Commission) received a complaint filed by Robert E. Crow, Stephan, South Dakota (Complainant), against AT&T Communications of the Midwest, Inc. (AT&T) and Midstate Communications, Inc. (Midstate) regarding delayed disconnection.

On September 15, 2000, the complaint was faxed to AT&T and Midstate. Pursuant to ARSD 20:10:01:09, AT&T and Midstate were notified that they must satisfy the complaint or file answers in writing with the Commission by October 5, 2000. On September 26, 2000, the Commission received a letter response from Midstate. On October 4, 2000, the Commission received a Motion for Extension of Time to File Answer from AT&T. AT&T requested a thirty day extension to file its answer and also requested that the hearing date be extended. AT&T stated in its motion that the Complainant did not object to the request. On October 11, 2000, the Commission received a Supplemental Motion for Extension of Time to File Answer from AT&T. AT&T stated in its supplemental motion that Midstate did not object to its request for an extension of time to file its answer.

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.

Since the Complainant and Midstate do not object, the Commission grants AT&T's request for a thirty day extension to file its answer. AT&T shall file its answer on or before November 6, 2000.

A hearing shall be held on November 29, 2000, beginning at 9:00 A.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. All persons testifying will be subject to cross-examination by the parties.

The issue at the hearing is whether AT&T and/or Midstate committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission shall determine whether AT&T and/or Midstate committed an unlawful or unreasonable act, rate, practice, or omission and, if so, order any appropriate relief. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that AT&T's Motion for Extension of Time to File Answer and Supplemental Motion for Extension of Time to File Answer are granted; and it is

FURTHER ORDERED, that a hearing shall be held at the time and place specified above on the issue of whether AT&T and/or Midstate committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 16th day of October, 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>Alaine Kaelo</i></u>
Date: <u>10/16/00</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