

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

**IN THE MATTER OF THE COMPLAINT FILED)
BY GARY R. AND VICTORIA A. WITCHER,)
WATERTOWN, SOUTH DAKOTA, AGAINST)
U S WEST COMMUNICATIONS, INC. AND)
AT&T COMMUNICATIONS OF THE MIDWEST,)
INC. REGARDING FAILURE TO SWITCH)
SERVICES AND UNAUTHORIZED CHARGES)**

**ORDER DISMISSING
COMPLAINT AND CLOSING
DOCKET**

CT00-050

On March 22, 2000, the Public Utilities Commission (Commission), received a complaint from Gary R. and Victoria A. Witcher, Watertown, South Dakota (Complainants) against U S WEST Communications, Inc. (U S WEST) and AT&T Communications of the Midwest, Inc. (AT&T). Complainants alleged the mishandling of a cancellation of long distance service from AT&T.

On March 22, 2000, the complaint was faxed to AT&T and U S WEST. Pursuant to ARSD 20:10:01:09, AT&T and U S WEST were notified that they must satisfy the complaint or file answers in writing with the Commission by April 11, 2000. On April 11, 2000, AT&T and U S WEST each filed their Answers and Motions to Dismiss. On May 17, 2000, at its regularly scheduled meeting, the Commission considered the Motions to Dismiss. AT&T was represented by Michel Singer Nelson and Colleen Sevold spoke on behalf of U S WEST. Commission Staff recommended denial of both motions. The Commission denied the Motions to Dismiss. A hearing in this matter was scheduled for July 18, 2000. By order dated July 14, 2000, the hearing was cancelled as Commission Staff received word from the Complainant stating that the complaint against U S WEST and AT&T had been resolved.

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 August 9, 2000, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted to dismiss the complaint and close the docket. It is therefore

ORDERED, that the complaint shall be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 16th day of August, 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 first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u>Delsine Kelbo</u>
Date:	<u>8/17/00</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