

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

IN THE MATTER OF THE COMPLAINT FILED) BY JOYCE FERRIS ON BEHALF OF FERRIS) CRANE SERVICE AND MIDWEST RECYCLING) CENTER, HURON, SOUTH DAKOTA, AGAINST) QWEST COMMUNICATIONS, INC.,) PREFERRED BILLING AND USBI) REGARDING UNAUTHORIZED SWITCHING OF) SERVICES))	ORDER GRANTING MOTION TO DISMISS CT00-087
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On July 18, 2000, the Public Utilities Commission (Commission) received a complaint filed by Joyce Ferris on behalf of Ferris Crane Service and Midwest Recycling Center, Huron, South Dakota, against Qwest Communications, Inc., Preferred Billing and USBI regarding unauthorized switching of services. The Complainant alleges that she was talked into changing her long distance services to Qwest through deceptive practices and that she did not authorize the switch to Qwest. She also alleges that she did not authorize Preferred Billing to switch her long distance services. She requests that the companies be liable for the wages of the PUC staff and any costs of changing back to her phone company, including the charges on her phone bill, since she did not ask for their services. On July 31, 2000, USBI filed a Motion to Dismiss with the Commission.

On August 9, 2000, at a duly noticed meeting, USBI presented its argument for the granting of its 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 August 9, 2000, at a regularly scheduled meeting, the Commission considered this matter. The Commission voted to grant the Motion to Dismiss. It is therefore

ORDERED, that USBI's Motion to Dismiss shall be granted.

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 facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u><i>Delaine Kalber</i></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