

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

IN THE MATTER OF THE COMPLAINT FILED)		ORDER DISMISSING
BY WILLIAM WAGNER, ST. LAWRENCE,)		COMPLAINT AND CLOSING
SOUTH DAKOTA, AGAINST TOUCH)		DOCKET
AMERICA, INC. AND QWEST CORPORATION)		
REGARDING UNAUTHORIZED SWITCHING OF)		CT01-052
SERVICES)		

On November 20, 2001, the Public Utilities Commission (Commission) received a complaint filed by William Wagner, St. Lawrence, South Dakota (Complainant), against Touch America, Inc. (Touch America) regarding unauthorized switching of services. On December 5, 2001, the Commission received a letter from Complainant adding Qwest Corporation (Qwest) to his complaint.

On November 20, 2001, the complaint was faxed to Touch America. On December 5, 2001, the complaint was faxed to Qwest. Pursuant to ARSD 20:10:01:09, Touch America was notified that it must satisfy the complaint or file an answer in writing with the Commission by December 10, 2001, and Qwest was notified that it must satisfy the complaint or file an answer in writing with the Commission by December 26, 2001. On December 12, 2001, the Commission received a response from Touch America. On December 26, 2001, the Commission received an answer from Qwest. On December 31, 2001, the Commission received an answer and motion to dismiss from Touch America. Commission Staff was informed that settlement had been reached in this matter.

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.

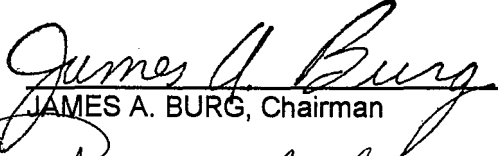
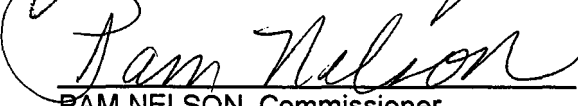

On January 24, 2002, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted to dismiss the complaint and close the docket. It is therefore

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

Dated at Pierre, South Dakota, this 31st day of January, 2002.

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 Kelbo</i></u>
Date: <u>2/1/02</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

 _____ JAMES A. BURG, Chairman
 _____ PAM NELSON, Commissioner
 _____ ROBERT K. SAHR, Commissioner