

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

**IN THE MATTER OF THE COMPLAINT FILED) ORDER GRANTING MOTION
BY DENISE HAERTER, SIOUX FALLS, SOUTH) TO DISMISS
DAKOTA, AGAINST MCIWORLD.COM AND)
QWEST CORPORATION REGARDING) CT02-033
UNAUTHORIZED SWITCHING OF SERVICES)**

On August 19, 2002, the Public Utilities Commission (Commission) received a complaint filed by Denise Haerter, Sioux Falls, South Dakota (Complainant), against MCIWorldCom (MCI) and Qwest Corporation (Qwest) regarding unauthorized switching of services.

On August 22, 2002, the complaint was faxed to MCI and Qwest. Pursuant to ARSD 20:10:01:09, MCI and Qwest were notified that they must satisfy the complaint or file answers in writing with the Commission by September 11, 2002. On September 10, 2002, the Commission received an answer and motion to dismiss from MCI. On September 11, 2002, the Commission received an answer from Qwest.

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 November 20, 2002, at a regularly scheduled meeting, the Commission considered this matter. The Commission voted to grant the motion to dismiss. It is therefore

ORDERED, that MCI's motion to dismiss is granted.

Dated at Pierre, South Dakota, this 2nd day of December, 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>Delaine Kelso</u>
Date: <u>12/2/02</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Bure
JAMES A. BURE, Chairman

Pam Nelson
PAM NELSON, Commissioner

Robert K. Sahr
ROBERT K. SAHR, Commission