

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

IN THE MATTER OF THE COMPLAINT FILED) BY BERDELL KINSLEY, SPRINGFIELD,) SOUTH DAKOTA, AGAINST BROADWING) TELECOMMUNICATIONS, INC. REGARDING) UNAUTHORIZED SWITCHING OF SERVICES)	ORDER DISMISSING COMPLAINT AND CLOSING DOCKET CT03-001
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On January 6, 2003, the Public Utilities Commission (Commission) received a complaint filed by Berdell Kinsley, Springfield, South Dakota (Complainant), against Broadwing Telecommunications, Inc. (Broadwing) regarding unauthorized switching of services.

On January 13, 2003, the complaint was faxed to Broadwing. Pursuant to ARSD 20:10:01:09, Broadwing was notified that it must satisfy the complaint or file an answer in writing with the Commission by February 3, 2003. On February 4, 2003, the Commission received a letter response from Broadwing. 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 May 6, 2003, 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 May, 2003.

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>Melaine Kalbo</u>
Date: <u>5/19/03</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner