

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

IN THE MATTER OF THE COMPLAINT FILED) BY ROBERT THOMASON, SELBY, SOUTH) DAKOTA, AGAINST TOUCH AMERICA, INC.) AND WITTEL COMMUNICATIONS, LLC) REGARDING UNAUTHORIZED SWITCHING OF) SERVICES)	ORDER DISMISSING COMPLAINT AND CLOSING DOCKET CT03-009
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On April 14, 2003, the Public Utilities Commission (Commission) received a complaint filed by Robert Thomason, Selby, South Dakota (Complainant), against Touch America, Inc. (Touch America) and WiTel Communications, LLC (WiTel) regarding unauthorized switching of services.

On April 14, 2003, the complaint was faxed to Touch America and WiTel. Pursuant to ARSD 20:10:01:09, Touch America and WiTel were notified that they must satisfy the complaint or file answers in writing with the Commission by May 5, 2003. The Commission has not received answers from Touch America or WiTel to this complaint. 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 June 3, 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 10th day of June, 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><i>Neilina Kallos</i></u>
Date: <u>6/10/03</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