

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING)
BY BRIAN HANKEL, HARTFORD, SOUTH)	COMPLAINT AND CLOSING)
DAKOTA, AGAINST SPRINT)	DOCKET)
COMMUNICATIONS COMPANY L.P., ZONE)	
TELECOM, INC. AND EXPRESS)	CT09-001)
COMMUNICATIONS, INC. REGARDING)	
UNAUTHORIZED SWITCHING OF SERVICES)	

On June 4, 2009, the Public Utilities Commission (Commission) received a complaint filed by Brian Hankel, Hartford, South Dakota (Complainant), against Sprint Communications Company L.P. (Sprint), Zone Telecom, Inc. (Zone) and Express Communications, Inc. (Express) regarding unauthorized switching of services.

On June 4, 2009, the complaint was electronically transmitted to Sprint, Zone and Express. Pursuant to ARSD 20:10:01:09, Sprint, Zone and Express were notified that they must satisfy the complaint or file answers in writing with the Commission by June 24, 2009. On June 9, 2009, the Commission received a Motion to Dismiss Complaint against Sprint Communications Company L.P. On June 23, 2009, at a regularly scheduled meeting, the Commission voted unanimously to grant the Motion to Dismiss Complaint against Sprint on the grounds that the complaint itself established that no basis exists to support a claim against Sprint.

On June 24, 2009, the Commission received a Motion to Dismiss Complaint from Express signed by the Complainant and Express and a Settlement Agreement signed by the Complainant, Zone and Express. On June 26, 2009, the Commission received a letter response and a Motion to Dismiss Complaint from Zone.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13 and 49-31.

At its regularly scheduled meeting of July 14, 2009, the Commission considered the Motions to Dismiss Complaint. Commission Staff recommended granting the Motions. The Commission voted unanimously to grant the Motions to Dismiss Complaint and to close the docket. It is therefore

ORDERED, that the Motions to Dismiss Complaint are hereby granted and the docket is closed.

Dated at Pierre, South Dakota, this 21st day of July, 2009.

<p>CERTIFICATE OF SERVICE</p> <p>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, electronically.</p> <p>By: <u><i>Delaine Kalbo</i></u></p> <p>Date: <u>7/22/09</u></p> <p align="center">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman *dk*

Gary Hanson
GARY HANSON, Commissioner