

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FINDING
BY JANE HAM, CUSTER, SOUTH DAKOTA,)	PROBABLE CAUSE AND
AGAINST QWEST COMMUNICATIONS, INC.)	NOTICE REQUIRING
REGARDING UNAUTHORIZED SWITCHING OF)	ANSWER
SERVICES)	CT99-040

On September 17, 1999, the Public Utilities Commission (Commission) received a complaint from Jane Ham of Custer, South Dakota (Complainant), against Qwest Communications, Inc. regarding unauthorized switching of services. Complainant alleges that Qwest switched telecommunications services from AT&T to Qwest on August 3, 1999, without authorization. Complainant requested a return to AT&T, \$500 damages and a \$1,000 fine.

Pursuant to ARSD 20:10:01:08.1 and 20:10:01:09, if a complaint cannot be settled without formal action, the Commission shall determine if the complaint shows probable cause of an unlawful or unreasonable act, rate, practice or omission to go forward with the complaint.

On October 7, 1999, at a regularly scheduled meeting, Complainant appeared before the Commission. Unresolved factual issues still exist.

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, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive. The Commission voted unanimously to find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice or omission and that the complaint shall be forwarded to Qwest and Qwest shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 20th day of October, 1999.

<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, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.</p> <p>By: <u> Melaine Kalbo </u></p> <p>Date: <u> 10/20/99 </u></p> <p align="center">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner