

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

IN THE MATTER OF THE COMPLAINT FILED) ORDER CANCELLING
BY GSA, INC., RAPID CITY, SOUTH DAKOTA,) HEARING
AGAINST QWEST COMMUNICATIONS, INC.)
REGARDING UNAUTHORIZED SWITCHING OF) CT99-045
SERVICES)

On October 12, 1999, the Public Utilities Commission (Commission) received a complaint filed by GSA, Inc., Rapid City, South Dakota (Complainant), against Qwest Communications, Inc. (Qwest). Complainant alleges that its long distance provider was switched without its authorization and seeks a credit of Qwest charges.

Pursuant to ARSD 20:10:01:08.01 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 19, 1999, at a duly noticed meeting, the Commission considered this matter. Complainant appeared through its officer Donald Jiracek. Commission Staff recommended a finding of probable cause. The Commission voted unanimously to find probable cause.

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 20:10:01:07.01 through 20:10:15:01, inclusive, and ARSD Chapter 20:10:34

By order dated November 10, 1999, a hearing was scheduled for December 6, 1999, beginning at 10:00 o'clock A.M. CST, in Room 464 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. On December 2, 1999, Commission Staff was contacted by Complainant who informed the Staff that settlement had been reached in this matter and he wished to have his complaint dismissed, so therefore the hearing is cancelled. It is therefore

ORDERED, that the hearing scheduled for December 6, 1999, is cancelled.

Dated at Pierre, South Dakota, this 2nd day of December, 1999.

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>Debbie Kalbo</u>
Date:	<u>12/3/99</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner