

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

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|---|---------------------------|
| <b>IN THE MATTER OF THE COMPLAINT FILED )</b> | <b>ORDER FINDING</b>      |
| <b>BY WILLIAM G. KISSEL, YANKTON, SOUTH )</b> | <b>PROBABLE CAUSE AND</b> |
| <b>DAKOTA, AGAINST QWEST )</b>                | <b>NOTICE REQUIRING</b>   |
| <b>COMMUNICATIONS, INC. REGARDING )</b>       | <b>ANSWER</b>             |
| <b>UNAUTHORIZED SWITCHING OF SERVICES )</b>   | <b>CT00-012</b>           |

On January 7, 2000, the Public Utilities Commission (Commission) received a complaint filed by William G. Kissel, Yankton, South Dakota (Complainant), against Qwest Communications Inc. (Qwest). The Complainant alleges he was switched to Qwest without authorization. Complainant requests that Qwest be assessed appropriate statutory fines and penalties.

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 January 18, 2000, at a duly noticed meeting, the Complainant appeared via teleconference and the Commission considered this matter and determined that there was probable cause that an unlawful or unreasonable act, rate, practice or omission was committed by Qwest. Qwest did not appear. Commission Staff recommended a finding of probable cause.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13 and 49-31. 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 the complaint shall be forwarded to Qwest and Qwest shall satisfy the complaint or file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 26<sup>th</sup> day of January, 2000.

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| <p><b>CERTIFICATE OF SERVICE</b></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><i>Heidi Kaelbo</i></u></p> <p>Date: <u>1/26/00</u></p> <p align="center">(OFFICIAL SEAL)</p> |
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BY ORDER OF THE COMMISSION:

*James A. Burg*  
 JAMES A. BURG, Chairman

*Pam Nelson*  
 PAM NELSON, Commissioner

*Laska Schoenfelder*  
 LASKA SCHOENFELDER, Commissioner