

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

IN THE MATTER OF THE COMPLAINT FILED) BY JOHN AND JEANIE ENDRES,) WATERTOWN, SOUTH DAKOTA, AGAINST) AMERICA'S TELE-NETWORK CORP.) REGARDING UNAUTHORIZED SWITCHING OF) SERVICES)	ORDER FINDING PROBABLE CAUSE AND NOTICE REQUIRING ANSWER CT00-029
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On January 26, 2000, the Public Utilities Commission (Commission) received a complaint filed by John and Jeanie Endres, Watertown, South Dakota (Complainant), against America's Tele-Network Corp. (ATNC). The Complainants allege that their service was switched to ATNC without their authorization. Complainants seek adjustment of their bills and that statutory remedies be applied.

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 February 15, 2000, at a duly noticed meeting, 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 ATNC. Complainant John Endres appeared via teleconference. ATNC 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 ATNC and ATNC 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 23rd day of February, 2000.

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>William Kalbs</i></u>
Date: <u>2/23/00</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

<u><i>James A. Burg</i></u> JAMES A. BURG, Chairman
<u><i>Pam Nelson</i></u> PAM NELSON, Commissioner
<u><i>Laska Schoenfelder</i></u> LASKA SCHOENFELDER, Commissioner