

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

IN THE MATTER OF THE COMPLAINT FILED) BY JOAN M. HORSTMAN, SIOUX FALLS,) SOUTH DAKOTA, AGAINST TOUCH) AMERICA, INC., SPRINT COMMUNICATIONS) COMPANY L.P. AND QWEST CORPORATION) REGARDING UNAUTHORIZED SWITCHING OF) SERVICES AND BILLING FOR SERVICES)	ORDER DISMISSING COMPLAINT AND CLOSING DOCKET CT01-035
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On August 3, 2001, the Public Utilities Commission (Commission) received a complaint filed by Joan M. Horstman, Sioux Falls, South Dakota (Complainant), against Touch America, Inc. (Touch America) and Sprint Communications Company L.P. (Sprint) regarding unauthorized switching of services and billing for services.

On August 7, 2001, the complaint was faxed to Touch America and Sprint. Pursuant to ARSD 20:10:01:09, Touch America and Sprint were notified that they must satisfy the complaint or file answers in writing with the Commission by August 27, 2001. On August 23, 2001, Sprint filed a motion to dismiss. The Commission has not received answers from Touch America or Sprint to this complaint. At its September 7, 2001, meeting, the Commission considered Sprint's motion to dismiss. The Commission granted Sprint's motion to dismiss. On September 7, 2001, Complainant filed a request to add Qwest Corporation (Qwest) as a party. At its September 18, 2001, meeting, the Commission considered Complainant's request to add Qwest as a party. Qwest did not object to being added as a party. The Commission voted to grant Complainant's request to add Qwest as a party. On October 18, 2001, the Commission received an answer from Qwest. Commission Staff was informed that settlement had been reached in this matter.

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 Chapters 20:10:01 and 20:10:34.

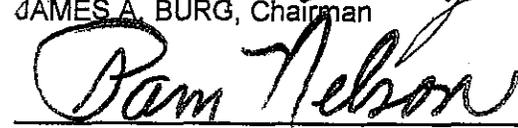
On November 8, 2001, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted to dismiss the complaint and close the docket. It is therefore

ORDERED, that the complaint shall be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 13th day of November, 2001.

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> Melaine Kalbo </u>
Date: <u> 11/13/01 </u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

 _____ JAMES A. BURG, Chairman
 _____ PAM NELSON, Commissioner