

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER GRANTING MOTION
BY JOAN M. HORSTMAN, SIOUX FALLS,)	TO DISMISS
SOUTH DAKOTA, AGAINST TOUCH)	
AMERICA, INC. AND SPRINT)	CT01-035
COMMUNICATIONS COMPANY L.P.)	
REGARDING UNAUTHORIZED SWITCHING OF)	
SERVICES AND BILLING FOR SERVICES)	

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.

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 September 7, 2001, at a regularly scheduled meeting, the Commission considered this matter. The Commission voted to grant the Motion to Dismiss. It is therefore

ORDERED, that Sprint's Motion to Dismiss is granted.

Dated at Pierre, South Dakota, this 14th day of September, 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><i>Delaine Kalbo</i></u>
Date: <u>9/14/01</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner