

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

RECEIVED

JAN 24 2003

IN THE MATTER OF THE)
UNAUTHORIZED LONG DISTANCE)
BILLING OF CUSTOMERS IN THE)
CITY OF DELL RAPIDS, SOUTH)
DAKOTA CAUSED BY MSN)
CORPORATION d/b/a MSN TV)
f/k/a WEBTV)

TC03-040

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

**MOTION FOR ORDER
TO SHOW CAUSE**

Comes now Kelly D. Frazier, Staff Attorney for the South Dakota Public Utilities Commission (Commission), and hereby Motions this Commission, pursuant to ARSD 20:10:01:45, to issue an Order To Show Cause as to why MSN Corporation, d/b/a MSN TV f/k/a WEBTV (MSN TV), should not be found in violation of South Dakota law, including but not necessarily limited to SDCL § 49-31-93. In support of this Motion For Order To Show Cause, staff charges the following:

1. Microsoft Corporation is a corporation certified to do business in the State of South Dakota and has a Certificate of Authority issued by the South Dakota Secretary of State. Copies of the Certificate of Authority pages from the South Dakota Secretary of State are attached as Exhibits A1 and A2. A copy of the Certificate of Existence/Authorization from the State of Washington is attached as A3. All of exhibit A is hereby incorporated by reference.
2. Microsoft Corporation is the owner of WEBTV, which has changed its name to MSN TV. A copy of the WEBTV – MSN TV Contacts web page dated 11/22/02 is attached as Exhibit B
3. MSN TV offers an Internet service to customers which allows them to access the Internet through a dial-up modem which attaches to their phone lines and displays through their television.
4. Customers in the Dell Rapids area who contracted with MSN TV for Internet service were told that they could access the Internet through MSN TV without incurring long distance charges. This is a selling point for those offering the service.
5. When customers log onto the Internet through this service, they connect through a modem provided by MSN TV. Customers do not control what number the modem dials. The modem provided by MSN TV always calls a local number. That call is then routed by MSN TV or its “access partners”.
6. MSN TV “access partners” are local entities that assist MSN TV in connecting local customers to the Internet.
7. The local “access partners” are authorized by MSN TV to make changes to the location where MSN TV customers are routed. They can route customers to a local number or to a long distance number without customer notice or consent. These changes would be made at a central office where the customer phone calls are received. When an MSN customer calls in, the call,

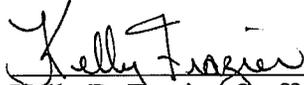
according to the agreement with their customers, is supposed to be routed to a local termination point.

8. MSN TV and/or its access partners made changes to where customer calls were routed. In violation of their agreement, they routed callers to a long distance number instead of a local number. As a result of those changes, numerous people in the city of Dell Rapids, South Dakota, were charged long distance for calls to MSN TV for Internet connection.
9. These changes were made without obtaining consent or providing notice to its customers and were made in such a way that a reasonable person could not foresee that he or she would incur long distance charges by accessing the internet.
10. Customers in Dell Rapids who connect to the Internet through MSN TV are given a blanket warning informing them that they may incur long distance charges by accessing the Internet. Because of the agreement with MSN TV, customers have either been told to disregard this message or reasonably presume that this does not apply to them based on their reliance that the use of this service will not result in long distance charges.
11. An MSN TV customer by the name of Thomas Merry (Merry) received long distance bills in October and November of 2002 for accessing the internet through MSN TV. His calls were routed to Flandreau, South Dakota, without his consent. Mr. Merry filed a complaint with MSN TV requesting that it honor the agreement to provide local access to the Internet. MSN TV refused to take responsibility for the long distance billings based on the blanket warning given all customers regarding possible long distance charges. A copy of the long distance bills incurred by Mr. Merry are attached as Exhibits C1 through C5. A copy of the letter sent by Mr. Merry to MSN TV is attached as Exhibit D. A copy of the response from MSN TV denying responsibility is attached as Exhibit E. All are hereby incorporated by reference.
12. The Commission has jurisdiction over this matter in that any and all charges which customers incurred as a result of this change were unauthorized billings. MSN TV was only authorized to connect these customers to the Internet via local phone routing. As such, any long distance charges billed to MSN TV customers that were the result of MSN TV's actions were unauthorized billings pursuant to SDCL § 49-31-93.
13. The Commission has jurisdiction over this matter in that MSN TV is a "telecommunications company" that controls, in whole or in part, a telecommunications line, system or exchange in this state, directly or indirectly, for public use, pursuant to SDCL §49-31-1(26).
14. The Commission has jurisdiction over this matter in that the services offered by MSN TV are "telecommunications services" providing for the transmission of signs, signals, writings, images, sounds, messages, data or other information of any nature by wire, radio, lightwaves, electromagnetic means, or other similar means, pursuant to SDCL § 49-31-1(27).
15. This Commission has jurisdiction over this matter pursuant to, but not necessarily limited to, SDCL §49-31-3, 49-31-5, 49-31-7.1 and ARSD 20:10:01:45.

WHEREFORE, staff petitions this Commission to provide the following relief:

1. Issue an Order to Show Cause as to why MSN TV should not be found in violation of the laws of South Dakota for engaging in activities which directly lead to its customers receiving unauthorized long distance billing.
2. An Order declaring that these billings were unauthorized billings pursuant to SDCL §49-31-93.
3. An Order declaring that all customers who incurred long distance or other charges as a result of the actions of MSN TV either not be charged or be compensated for any and all costs, including interest, with regards to any and all unauthorized billing incurred as a result of MSN TV and/or its access partners.
4. A subpoena be issued pursuant to ARSD 20:10:01:17 requiring MSN TV to produce the names and contact information for all of its customers in Dell Rapids, South Dakota.
5. Any other costs, penalties or remedies permitted by law that the Commission deems fair and appropriate.

Signed and dated this 24th day of January, 2003



Kelly D. Frazier, Staff Attorney
Public Utilities Commission
500 East Capitol Ave.
Pierre, SD 57501-5070
(605) 773-3201
(605) 773-3809 fax

CERTIFICATE OF SERVICE

I hereby certify that the foregoing MOTION FOR ORDER TO SHOW CAUSE was delivered by First Class Mail, postage prepaid, to the REGISTERED AGENT for MICROSOFT CORPORATION as registered with the South Dakota Secretary of State. The registered agent for MICROSOFT CORPORATION is CORPORATION SERVICE COMPANY and is located at the address shown below. Signed and dated this 24th day of January, 2003.

CORPORATION SERVICE COMPANY
REGISTERED AGENT FOR MICROSOFT CORPORATION
503 S. Pierre St
Pierre, SD 57501

BY:



Kelly D. Frazier
Staff Attorney
Assistant Attorney General
Public Utilities Commission
500 East Capitol Ave.
Pierre, SD 57501-5070
(605) 773-3201
(605) 773-3809 fax

RECEIVED

JAN 14 2003

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Receipt Number: _____

158481/480

File Number

FB026829



FB026829



CERTIFICATE OF AUTHORITY

For

MICROSOFT CORPORATION (WA)

Filed at the request of:

MARILYN PERSON
819 W THIRD
Pierre SD 57501

*State of South Dakota
Office of the Secretary of State*

Filed in the office of the Secretary of State on: **Wednesday, December 04, 2002**

Secretary of State

Fee Received: \$200 for 100 million pref \$.01; 12
billion com \$.0000125

ENGAD-Snyonne, N. J.
EXHIBIT
AI
1 of 3

State of South Dakota



OFFICE OF THE SECRETARY OF STATE

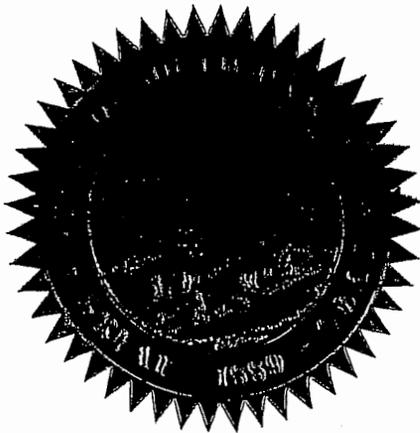
Certificate of Authority

ORGANIZATIONAL ID #: FB026829

I, **JOYCE HAZELTINE**, Secretary of State of the State of South Dakota, hereby certify that the Application for a Certificate of Authority of **MICROSOFT CORPORATION (WA)** to transact business in this state duly signed and verified pursuant to the provisions of the South Dakota Corporation Acts, have been received in this office and are found to conform to law.

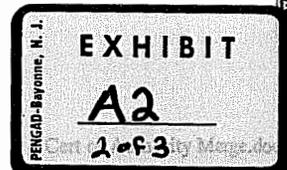
ACCORDINGLY and by virtue of the authority vested in me by law, I hereby issue this Certificate of Authority and attach hereto a duplicate of the application to transact business in this state.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of South Dakota, at Pierre, the Capital, this December 4, 2002.



Joyce Hazeltine

Joyce Hazeltine
Secretary of State



STATE of WASHINGTON



SECRETARY of STATE

I, SAM REED, Secretary of State of the State of Washington and custodian of its seal,

hereby issue this

CERTIFICATE OF EXISTENCE/AUTHORIZATION

OF

MICROSOFT CORPORATION

I FURTHER CERTIFY that the records on file in this office show that the above named profit corporation was formed under the laws of the State of Washington and was issued a Certificate of Incorporation in Washington on September 22, 1993.

I FURTHER CERTIFY that as of the date of this certificate, no Articles of Dissolution have been filed, and that the corporation is duly authorized to transact business in the corporate form in the State of Washington.



Date: November 21, 2002

Given under my hand and the Seal of the State of Washington at Olympia, the State Capital

Sam Reed

tlS Sam Reed, Secretary of State

EXHIBIT

A3

3093

PENGAD-Bayonne, N. J.

As of this date, MSNTV SERVICES is headed by Microsoft vice-president, Yusuf Mehdi. Bruce Leak manages the Television Services Group (WebTV) and reports to Mr. Mehdi.

Executive Offices of MSNTV

Microsoft WebTV Networks, Inc.
1065 La Avenida
Mountain View, CA 94043
650-693-1000

□□□□

Dennis Reno, Senior Director, Customer Service

(Also reachable at dreno@corp.webtv.net.)

Microsoft WebTV Networks, Inc
1065 La Avenida
Building 4, Room 2110
Mountain View, CA 94043
650-693-2537

Customer Support at WebTV

WebTV Customer Service:
1-800-Go-WebTV
(1-800-469-3288)

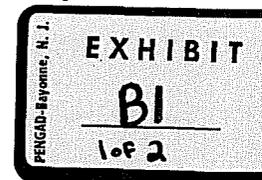
John C. Prejean, Sr., MSN TV Group Manager

Linda Lazzareschi, Quality Service Manager
Microsoft WebTV Networks, Inc.
1065 La Avenida
Mountain View, CA 94043
Phone: 650-693-1375

Mike Donnelly, MSN TV "Street" Tech

(Monitors and posts in some alt.discuss groups. Also reachable at Lost_in_Texas@webtv.net, michaeld@microsoft.com, and michaeld@webtv.net.)

Ailish Costin, Executive Escalation Management Team



(technical and billing issues)
Microsoft WebTV Networks, Inc.
1065 La Avenida
Mountain View, CA 94043
Phone: 650-693-3187

Ombudsman
(concerns, opinions, suggestions)

Denise Small
Resolution & Recovery Manager
Microsoft WebTV Networks, Inc.
1065 La Avenida
Mountain View, CA 94043
Phone: 650-693-3698
Fax: 650-693-2004

Eric Snell, MSN TV Compliance Supervisor
Microsoft WebTV Networks, Inc.
Compliance Management Group
1065 La Avenida
Building 4
Mountain View, CA 94043
(TOS compliance: comply and avoid getting one of these).

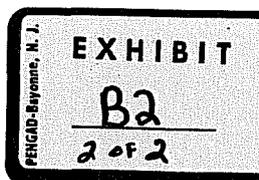
Security Flaws within WebTV

Report Abuse or Spam from a WebTV User
Microsoft WebTV Networks, Inc.
Law and Corporate Affairs
1065 La Avenida
Building 4
Mountain View, CA 94043
650-693-1000

Reporting Spam not from WebTV

Neil Laughlin, MSN TV Webmaster

alt.discuss Newsgroup Administrator
(Email sent here is unlikely to get a response.)





SIoux VALLEY TELEPHONE COMPANY
PO BOX 98
DELL RAPIDS, SD 57022-0098

Amount Due

118.16

AN ALLIANCE TELECOMMUNICATIONS COMPANY

Billing Number

428-3755

Account Number

0003733

Billing Date

OCT 01, 2002

Delinquent After

OCT 15, 2002

Previous Bill	Previous Payments	Adjustments	Previous Balance	Current Charges
52.05	52.05	0.00	0.00	118.16
PAYMENTS RECEIVED AFTER SEP 19 ARE NOT INCLUDED				

*FOR BILLING OR SERVICE QUESTIONS, PLEASE CALL
 605-428-5421 OR TOLL FREE 1-800-952-3566*

S-2

TOM MERRY
 507 E 6TH ST
 DELL RAPIDS SD 57022-1707



DATE	*CT	PLACE	AREA-NUMBER	MIN	TIME	AMOUNT
08/15	DM	TO FLANDREAU SD	605 997-5604	17.5	10:55PM	2.45R
08/16	DM	TO FLANDREAU SD	605 997-5604	24.7	10:39PM	3.46R
08/17	DN	TO FLANDREAU SD	605 997-5604	35.4	11:14PM	4.96R
08/18	DN	TO FLANDREAU SD	605 997-5604	2.6	12:10AM	0.37R
08/18	DN	TO FLANDREAU SD	605 997-5604	6.3	12:14AM	0.89R
08/18	DE	TO FLANDREAU SD	605 997-5604	6.2	10:44PM	0.87R
08/19	DM	TO FLANDREAU SD	605 997-5604	41.3	10:57PM	5.79R
08/20	DD	TO FLANDREAU SD	605 997-5604	1.2	10:48AM	0.17R
08/20	DM	TO FLANDREAU SD	605 997-5604	5.9	10:55PM	0.83R
08/21	DE	TO FLANDREAU SD	605 997-5604	8.9	10:37PM	1.25R
08/22	DN	TO FLANDREAU SD	605 997-5604	22.2	5:40AM	3.11R
08/23	DN	TO FLANDREAU SD	605 997-5604	1.2	6:05AM	0.17R
08/24	DN	TO FLANDREAU SD	605 997-5604	3.3	5:40AM	0.47R
08/24	DN	TO FLANDREAU SD	605 997-5604	40.0	10:41PM	5.60R
08/25	DN	TO FLANDREAU SD	605 997-5604	1.2	5:40AM	0.17R
08/25	DM	TO FLANDREAU SD	605 997-5604	22.1	10:43PM	3.10R
08/26	DN	TO FLANDREAU SD	605 997-5604	1.3	6:20AM	0.19R
08/26	DN	TO FLANDREAU SD	605 997-5604	31.6	11:12PM	4.43R
08/27	DN	TO FLANDREAU SD	605 997-5604	3.3	5:40AM	0.47R
08/28	DN	TO FLANDREAU SD	605 997-5604	1.1	6:04AM	0.16R
08/28	DD	TO FLANDREAU SD	605 997-5604	2.0	8:48AM	0.28R
08/28	DN	TO FLANDREAU SD	605 997-5604	31.2	11:46PM	4.37R
08/29	DN	TO FLANDREAU SD	605 997-5604	3.3	5:40AM	0.47R
08/29	DD	TO FLANDREAU SD	605 997-5604	2.2	8:45AM	0.31R
08/31	DN	TO FLANDREAU SD	605 997-5604	3.3	5:40AM	0.47R
09/02	DN	TO FLANDREAU SD	605 997-5604	1.5	6:24AM	0.21R
09/02	DE	TO FLANDREAU SD	605 997-5604	15.9	10:08AM	2.23R
09/03	DN	TO FLANDREAU SD	605 997-5604	3.4	5:40AM	0.48R
09/03	DD	TO FLANDREAU SD	605 997-5604	7.7	11:57AM	1.08R
09/03	DM	TO FLANDREAU SD	605 997-5604	19.2	10:47PM	2.69R
09/04	DN	TO FLANDREAU SD	605 997-5604	1.1	5:40AM	0.16R
09/05	DD	TO FLANDREAU SD	605 997-5604	29.5	9:41AM	4.13R
09/06	DN	TO FLANDREAU SD	605 997-5604	3.3	5:40AM	0.47R
09/09	DN	TO FLANDREAU SD	605 997-5604	3.4	6:27AM	0.48R
09/10	DN	TO FLANDREAU SD	605 997-5604	3.6	5:40AM	0.51R
09/11	DN	TO FLANDREAU SD	605 997-5604	1.1	5:56AM	0.16R
09/13	DN	TO FLANDREAU SD	605 997-5604	4.9	6:00AM	0.69R
09/13	DM	TO FLANDREAU SD	605 997-5604	18.2	7:44AM	2.55R

*CT CALL TYPE: EXPLANATION
 DM DIRECT DIALED Multiple rate period
 DN DIRECT DIALED Night/Weekend
 DE DIRECT DIALED Evening
 DD DIRECT DIALED Day

(Summary continued on next page)

428-3755 0003733

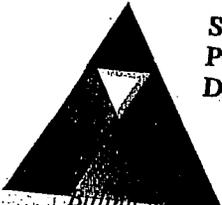
EXPRESS TELECOMMUNICATIONS

OCT02 PG 3/3

SUMMARY

THE "REAL DEAL!" PLAN (R)			
INITIAL RATING IS 14 CENTS PER MINUTE.			
ADDITIONAL DISCOUNT APPLIED ON	50.65	DISC @ 0.0%	60.65
TAXES FED 1.82 STA 2.43 LOC 1.21			5.46
THE "REAL DEAL!" PLAN TOTAL (INCL TAX)			<u>66.1</u>
EXPRESS TELECOMMUNICATIONS	TOTAL CHARGES		66.1

MGAD-Bayonne, N. J.
EXHIBIT
C3
2005



SIoux VALLEY TELEPHONE COMPANY
 PO BOX 98
 DELL RAPIDS, SD 57022-0098

Amount Due

80.75

Billing Number **428-3755** AN ALLIANCE TELECOMMUNICATIONS COMPANY
 Account Number **0003733**

Previous Bill	Previous Payments	Adjustments	Previous Balance	Current Charges
118.16	118.16	0.00	0.00	80.75

Billing Date **NOV 01, 2002** Delinquent After **NOV 15, 2002**

PAYMENTS RECEIVED AFTER OCT 22 ARE NOT INCLUDED

FOR BILLING OR SERVICE QUESTIONS, PLEASE CALL
 605-428-5421 OR TOLL FREE 1-800-952-3566

TOM MERRY S-2
 507 E 6TH ST
 DELL RAPIDS SD 57022-1707



EXHIBIT
C4

428-3755 0003733

EXPRESS TELECOMMUNICATIONS

NOV02 PG 2/2

DATE	*CT	PLACE	AREA-NUMBER	MIN	TIME	AMOUNT
09/14	DN	TO FLANDREAU SD	605 997-5604	3.3	5:40AM	0.47
09/15	DN	TO FLANDREAU SD	605 997-5604	1.2	6:24AM	0.17
09/15	DN	TO FLANDREAU SD	605 997-5604	1.8	11:30PM	0.26
09/16	DE	TO FLANDREAU SD	605 997-5604	6.5	10:35PM	0.91
09/17	DE	TO FLANDREAU SD	605 997-5604	5.6	10:36PM	0.79
09/18	DN	TO FLANDREAU SD	605 997-5604	3.4	6:25AM	0.48
09/18	DM	TO FLANDREAU SD	605 997-5604	38.0	10:50PM	5.32
09/20	DN	TO FLANDREAU SD	605 997-5604	3.2	6:19AM	0.45
09/20	DN	TO FLANDREAU SD	605 997-5604	0.6	11:11PM	0.09
09/21	DN	TO FLANDREAU SD	605 997-5604	12.7	10:43PM	1.78
09/22	DN	TO FLANDREAU SD	605 997-5604	3.4	5:40AM	0.48
09/22	DN	TO FLANDREAU SD	605 997-5604	6.0	11:05PM	0.84
09/23	DN	TO FLANDREAU SD	605 997-5604	1.1	5:40AM	0.16
09/23	DN	TO FLANDREAU SD	605 997-5604	5.3	11:15PM	0.75
09/24	DE	TO FLANDREAU SD	605 997-5604	8.8	10:37PM	1.24
09/25	DN	TO FLANDREAU SD	605 997-5604	3.7	5:40AM	0.52
09/26	DN	TO FLANDREAU SD	605 997-5604	3.2	6:22AM	0.45
09/27	DN	TO FLANDREAU SD	605 997-5604	0.5	5:40AM	0.07
09/27	DM	TO FLANDREAU SD	605 997-5604	37.9	10:58PM	5.31
09/28	DN	TO FLANDREAU SD	605 997-5604	3.3	5:40AM	0.47
09/29	DN	TO FLANDREAU SD	605 997-5604	1.1	5:40AM	0.16
09/29	DM	TO FLANDREAU SD	605 997-5604	22.8	10:41PM	3.20
09/30	DN	TO FLANDREAU SD	605 997-5604	1.1	5:40AM	0.16
10/01	DN	TO FLANDREAU SD	605 997-5604	3.3	5:40AM	0.47
10/01	DE	TO FLANDREAU SD	605 997-5604	9.0	5:27PM	1.26
10/01	DE	TO FLANDREAU SD	605 997-5604	0.5	7:24PM	0.07

*CT CALL TYPE: EXPLANATION
 DN DIRECT DIALED Night/Weekend
 DE DIRECT DIALED Evening
 DM DIRECT DIALED Multiple rate period

THE "REAL DEAL!" PLAN (R)
 INITIAL RATING IS 14 CENTS PER MINUTE.
 ADDITIONAL DISCOUNT APPLIED ON 26.33 DISC @ 0.0% 26.33
 TAXES FED 0.79 STA 1.05 LOC 0.53 2.37
 THE "REAL DEAL!" PLAN TOTAL (INCL TAX) 28.70

EXPRESS TELECOMMUNICATIONS TOTAL CHARGES 28.70

EXHIBIT
 C5

Dell Rapids, SD 57022
November 5, 2002

MSNTV Ticket No. 11760373

MSN TV SERVICE
2311 Ranch Club Rd.
142 Silver City, NM 88061

ATTN: Craig May
Phone Bill Investigations

Re: Our phone conversation of November 4.

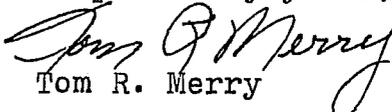
Each time we access our Web TV a notice appears stating that your receiver is about to dial a phone number which your system indicates will likely incur long distance telephone charges. After having been reassured that Sioux Falls, SD would always be our phone contact, there has never been any reason for us to suspect anything different. For the past three years we have used our Web TV almost daily. The telephone connection has always been Sioux Falls, SD which is toll free from here and still is. Web TV (now MSN TV has always had contact numbers in Sioux Falls.)

You can imagine our alarm when we received our phone bill October 2 and discovered several toll calls connecting to a phone number in Flandreau, SD. We contacted your Technical Services Department and no one there could explain why we had been switched to a toll number. They immediately switched us back to one of your three Sioux Falls numbers that serve MSN TV.

I called our SD PUC Commissioner, Pam Nelson, to see if there had been any interruptions of service in Sioux Falls, and she assured me that there had not been. She had no idea why we were switched to a toll number. Hopefully this is a simple error by MSN TV. She suggested that I submit these charges to you for proper credit. I am to notify her as soon as this has been handled.

Enclosed you will find complete phone bills that include the Flandreau toll calls as per your instructions totaling \$94.81.

Respectfully yours,


Tom R. Merry

VCAD-899999, N. I.

EXHIBIT

D

From: support4u@corp.webtv.net
Sent: Wednesday, November 20, 2002 4:03 PM
To: merrytr@webtv.net
Subject: Phone Bill Investigation

Dear Valued MSN TV Customer,

We have investigated the toll charges submitted to us. We have concluded that MSN TV service is not responsible for the charges on your phone bill. If you have any questions, please contact your telephone company, or call us at 1-800-469-3288 and reference ticket #CS11885063.

Sincerely,
Nina
Microsoft MsnTV Networks
1-800-469-3288

South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of January 23, 2003 through January 29, 2003

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact
Delaine Kolbo within five business days of this report. Phone: 605-773-3705

ELECTRIC

EL03-003 In the Matter of the Filing by Black Hills Power for Approval of Tariff Revisions.

Application of Black Hills Power for approval of electric tariff revisions which will allow snow making equipment to be served by the Energy Storage Service rate. The application also would revise tariffs to eliminate State University Service which is no longer being utilized.

Staff Analyst: Dave Jacobson
Staff Attorney: Kelly Frazier
Date Docketed: 01/28/03
Intervention Deadline: 02/14/03

TELECOMMUNICATIONS

TC03-037 In the Matter of the Filing for Approval of a Reciprocal Transport and Termination Agreement between CommNet Cellular License Holding, Inc. d/b/a Verizon Wireless, Missouri Valley Cellular, Inc. d/b/a Verizon Wireless, Sandborn Cellular of South Dakota Limited Partnership d/b/a Verizon Wireless and Eastern South Dakota Cellular, Inc. d/b/a Verizon Wireless and PrairieWave Community Telephone, Inc.

On January 23, 2003, the Commission received for approval a Filing of a Reciprocal Transport and Termination Agreement between CommNet Cellular License Holding, Inc. d/b/a Verizon Wireless, Missouri Valley Cellular, Inc. d/b/a Verizon Wireless, Sandborn Cellular of South Dakota Limited Partnership d/b/a Verizon Wireless and Eastern South Dakota Cellular, Inc. d/b/a Verizon Wireless (all as "Verizon") and PrairieWave Community Telephone, Inc. (PrairieWave). According to the parties, the Agreement is made to put in place an arrangement for the mutual exchange and reciprocal compensation of local telecommunications traffic which is intended to supersede any previous arrangements between the parties. The parties also wish to establish an arrangement that compensates PrairieWave for transiting traffic that originates on Verizon's network and terminates on a third carrier's network. Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than February 12, 2003. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier
Date Docketed: 01/23/03
Initial Comments Due: 02/12/03

TC03-038 In the Matter of the Filing for Approval of an Interconnection and Reciprocal Compensation Agreement between CommNet Cellular License Holding, Inc. d/b/a Verizon Wireless, Missouri Valley Cellular, Inc. d/b/a Verizon Wireless, Sandborn Cellular of South Dakota Limited Partnership d/b/a Verizon Wireless and Eastern South Dakota Cellular, Inc. d/b/a Verizon Wireless and PrairieWave Telecommunications, Inc.

On January 23, 2003, the Commission received for approval a Filing for Approval of an Interconnection and Reciprocal Compensation Agreement between CommNet Cellular License Holding, Inc. d/b/a Verizon Wireless, Missouri Valley Cellular, Inc. d/b/a Verizon Wireless, Sandborn Cellular of South Dakota Limited Partnership d/b/a Verizon Wireless and Eastern South Dakota Cellular, Inc. d/b/a Verizon Wireless (all as Verizon) and PrairieWave Telecommunications, Inc.(PrairieWave). According to the parties, the Agreement is made to put in place an arrangement for the mutual exchange and reciprocal compensation of telecommunications traffic which is intended to supersede any previous arrangements between the parties. Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than February 12, 2003. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier
Date Docketed: 01/23/03
Initial Comments Due: 02/12/03

TC03-039 In the Matter of the Application of Miko Telephone Communications, Inc. for a Certificate of Authority to Provide Interexchange Telecommunications Services in South Dakota.

Miko Telephone Communications, Inc. is seeking a Certificate of Authority to provide interexchange telecommunications services in South Dakota. The Applicant intends to offer "1+" long distance and Calling Card service to residential customers on a resale basis.

Staff Analyst: Keith Senger
Staff Attorney: Karen Cremer
Date Docketed: 01/24/03
Intervention Deadline: 02/14/03

TC03-040 In the Matter of the Unauthorized Long Distance Billing of Customers in the City of Dell Rapids, South Dakota, caused by MSN Corporation d/b/a MSN TV f/k/a WEBTV.

On January 24, 2003, the Commission received a filing from Commission Staff requesting that the Commission issue an Order To Show Cause as to why MSN Corporation d/b/a MSN TV f/k/a WEBTV (MSN TV) should not be found in violation of South Dakota Law. According to the Motion, MSN TV, or its access partners, routed customers to a long distance number for accessing the internet in violation of an agreement that customers would always be permitted to access the internet without incurring long distance charges. The Motion alleges that the routing resulted in the initiation of unauthorized billing in violation of South Dakota law, including, but not necessarily limited to SDCL 49-13-93. Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than February 13, 2003. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier
Date Docketed: 01/24/03
Initial Comments Due: 02/13/03

TC03-041 In the Matter of the Application of Qwest LD Corp. d/b/a Qwest Long Distance for a Certificate of Authority to Provide Interexchange Telecommunications Services in South Dakota.

Qwest LD Corp (QLDC) d/b/a Qwest Long Distance has filed an application with the South Dakota Public Utilities Commission for a Certificate of Authority to provide interexchange telecommunications services in South Dakota. The applicant proposes to be a resale interexchange carrier that will provide intrastate voice and data long-distance telecommunications services, operator services, directory assistance and 800 services throughout South Dakota. QLDC proposes offering these services in the State of South Dakota after it receives approval from the Federal Communications Commission for its Section 271 Application.

Staff Analyst: Michele M. Farris
Staff Attorney: Kelly Frazier
Date Docketed: 01/27/03
Intervention Deadline: 02/14/03

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You may subscribe or unsubscribe to the PUC mailing lists at <http://www.state.sd.us/puc>



South Dakota Public Utilities Commission



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

February 14, 2003

TOM MERRY
507 E. 6th ST
DELL RAPIDS, SD 57022

RE: TC03-040: In Re The Matter of the Unauthorized Long Distance Billing of Customers in the City of Dell Rapids, South Dakota, Caused by MSN Corporation d/b/a MSN TV f/k/a WEBTV

Dear Mr. Merry,

Enclosed is a copy of the NOTICE OF MEETING in the above- complaint. Though I have been contact, I have yet to receive any further documentation from any other party regarding this billing. If you would like to appear telephonically please call the Commission and give Tina Douglas your number; she will arrange for the Commission to call you so you can attend without long distance charges. If you have any questions please contact me.

Sincerely,

Kelly D. Frazier
Staff Attorney

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5280
FAX (605)773-3225

Consumer Hotline
1-800-332-1782

TTY Through
Relay South Dakota
1-800-877-1113

Internet Website
www.state.sd.us/puc

◆
Jim Burg
Chairman
Pam Nelson
Vice-Chairman
Bob Sahr
Commissioner

Debra Elofson
Executive Director

Harlan Best
Martin C. Bettmann
Sue Cichos
Karen E. Cremer
Tina Douglas
Christopher W. Downs
Terry Emerson
Michele M. Farris
Marlette Fischbach
Heather K. Forney
Kelly D. Frazier
Mary Giddings
Tom Graham
Mary A. Healy
Lisa Hull
Dave Jacobson
Amy Kayser
Bob Knadle
Delaine Kolbo
Gregory A. Rislov
Keith Senger
John Smith
Rolayne Ailts Wiest
◆

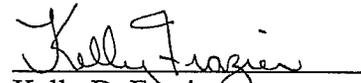
**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE)	
UNAUTHORIZED LONG DISTANCE)	TC03-040
BILLING OF CUSTOMERS IN THE)	
CITY OF DELL RAPIDS, SOUTH)	
DAKOTA CAUSED BY MSN)	NOTICE OF MEETING
CORPORATION d/b/a MSN TV)	
f/k/a WEBTV)	

FROM THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION TO THE ABOVE NAMED DEFENDANT:

Please note that a Meeting shall be held at approximately 9:30 a.m. on the 4th day of March, 2003 at the Governor's Inn at 700 West Sioux Avenue, Pierre, SD 57501 in the Kniep Room on Staff's Motion For an Order To Show Cause.

Dated this 14th day of February, 2003.



Kelly D. Frazier
Special Assistant Attorney General
Public Utilities Commission
500 East Capitol Ave.
Pierre, SD 57501-5070
(605) 773-3201



South Dakota Public Utilities Commission



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

February 14, 2003

Corporation Service Company
503 S. Pierre St.
Pierre, SD 57501

RE: TC03-040: In Re The Matter of the Unauthorized Long Distance Billing of Customers in the City of Dell Rapids, South Dakota, Caused by MSN Corporation d/b/a MSN TV f/k/a WEBTV

To Corporation Service Company,

Please serve the enclosed NOTICE OF MEETING on the above defendant.
Please contact me at the Commission if you have any questions.

Sincerely,

Kelly D. Frazier
Staff Attorney

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5280
FAX (605)773-3225

Consumer Hotline
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♦
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Lisa Hull
Dave Jacobson
Amy Kayser
Bob Knadle
Delaine Kolbo
Gregory A. Rislov
Keith Senger
John Smith
Rolayne Ailts Wiest
♦

TC03-010

1304 Thurston Ave.
Deer Rapids, IA 57022
605-428-3372

Public Utilities Commission
500 East Capital
Des Moines, IA 57501-5070
Attention: Kelly Frayer

FEB 26 2003

RECEIVED

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

When we purchased our

(which is your MSN TV) a few years ago,

we checked to be sure that the telephone

contact for Deer Rapids was always

to from Deer Falls which is toll free

otherwise the cost would be prohibitive.

In mid-August of 2002, MSN TV

Administratively switched us to a toll number

in Des Moines, S.D. As soon as this was

discovered, we immediately contacted

MSN TV. Neither their Customer Services Dept.

nor their Technical Services Dept. could

explain why this happened.

After we received specific information

by MSN TV Technical Services, they

were able to switch us back to one of the

three toll free numbers in Deer Falls

that were always available.

Enclosed are our phone bills showing

the toll free charges that were incurred

After MSN TV switched our toll free number

from Deer Falls to the toll number in Des Moines

we see we should be reimbursed \$37.38

by MSN TV.

Thank you, Merry

OCT 01, 2002 428-3372

OCT 15, 2002 0003249

\$131.55

PAGE 1 OF 2

HOWARD & REDA MERRY *
1304 THRESHER DR
DELL RAPIDS SD 57022-1033

SIOUX VALLEY TELEPHONE COMPANY
PO BOX 98
DELL RAPIDS, SD 57022-0098

428-3372 0003249

HOWARD & REDA MERRY

PAGE 1 OF 2

PAYMENTS RECEIVED AFTER SEP 19 ARE NOT INCLUDED OCT 01, 2002 OCT 15, 2002

PREVIOUS BILL	PREVIOUS PAYMENTS	ADJUSTMENTS	PREVIOUS BALANCE	CURRENT CHARGES	AMOUNT DUE
53.25	0.00	0.00	53.25	78.30	131.55

605-428-5421 OR TOLL FREE 1-800-952-3566
FOR BILLING OR SERVICE QUESTIONS, PLEASE CALL

PREVIOUS BALANCE 53.25

CURRENT CHARGES

LOCAL TELEPHONE CHARGES
Recurring Charges OCT 01 TO OCT 31

Description	Qty	Amount
911 END USER CHARGE	1	0.75
TOUCH TONE LINE	1	1.35
FEDERAL UNIVERSAL SVC CHARGE	1	0.46
INTERSTATE END USER - RES	1	6.00
RESIDENCE LINE	1	17.27
TELE-RELAY	1	0.15

Total Charges	25.98
Taxes FED 0.74 STA 0.98 LOC 0.50	2.22

Total LOCAL TELEPHONE CHARGES 28.20

CABLE TV CHARGES
Recurring Charges OCT 01 TO OCT 31

CATV - VALU PACKAGE	1	22.50
---------------------	---	-------

Total Charges	22.50
Taxes FED 0.00 STA 0.90 LOC 0.45	1.35

Total CABLE TV CHARGES 23.85

TOTAL LOCAL CHARGES 52.05

EXPRESS TELECOMMUNICATIONS CHARGES 1-800-952-3566 26.25

TOTAL CURRENT CHARGES 78.30

TOTAL AMOUNT DUE 131.55

DATE	*CT	PLACE	AREA-NUMBER	MIN	TIME	AMOUNT
08/18	DE	TO FLANDREAU SD	605 997-5604	15.0	7:29PM	2.10R
08/20	DD	TO FLANDREAU SD	605 997-5604	14.5	8:55AM	2.03R
08/20	DE	TO COLMAN SD	605 534-3303	1.7	7:44PM	0.24R
08/20	DE	TO CHESTER SD	605 489-2256	1.8	7:47PM	0.26R
08/21	DD	TO FLANDREAU SD	605 997-5604	1.0	2:12PM	0.14R
08/21	DD	TO FLANDREAU SD	605 997-5604	11.1	2:14PM	1.56R
08/21	DD	TO FLANDREAU SD	605 997-5604	2.2	2:38PM	0.31R
08/23	DE	TO FLANDREAU SD	605 997-5604	7.9	9:11PM	1.11R
08/24	DN	TO FLANDREAU SD	605 997-5604	5.9	12:24PM	0.83R
08/26	DD	TO FLANDREAU SD	605 997-5604	19.9	9:39AM	2.79R
08/30	DD	TO FLANDREAU SD	605 997-5604	26.9	10:00AM	3.77R
09/02	DE	TO FLANDREAU SD	605 997-5604	3.5	10:09AM	0.49R
09/04	DD	TO FLANDREAU SD	605 997-5604	14.7	9:48AM	2.06R
09/05	DD	TO FLANDREAU SD	605 997-5604	4.8	3:52PM	0.68R
09/08	DN	TO FLANDREAU SD	605 997-5604	7.3	12:34PM	1.03R
09/09	DD	TO FLANDREAU SD	605 997-5604	2.3	10:15AM	0.33R
09/13	DD	TO FLANDREAU SD	605 997-5604	31.1	1:49PM	4.36R

*CT CALL TYPE: EXPLANATION
 DE DIRECT DIALED Evening
 DD DIRECT DIALED Day
 DN DIRECT DIALED Night/Weekend

TAXES 23.59
2.12
25.71

THE "REAL DEAL!" PLAN (R)

INITIAL RATING IS 14 CENTS PER MINUTE.

ADDITIONAL DISCOUNT APPLIED ON 24.09 DISC @ 0.0% 24.09

TAXES FED 0.72 STA 0.96 LOC 0.48 2.16

THE "REAL DEAL!" PLAN TOTAL (INCL TAX) 26.25

EXPRESS TELECOMMUNICATIONS TOTAL CHARGES 26.25

%TOT -----

NOV 01, 2002 428-3372

NOV 15, 2002 0003249

\$63.72

PAGE 1 OF 3

HOWARD & REDA MERRY
1304 THRESHER DR
DELL RAPIDS SD 57022-1033

SIOUX VALLEY TELEPHONE COMPANY
PO BOX 98
DELL RAPIDS, SD 57022-0098

428-3372 0003249

HOWARD & REDA MERRY

PAGE 1 OF 3

PAYMENTS RECEIVED AFTER OCT 22 ARE NOT INCLUDED NOV 01, 2002 NOV 15, 2002

PREVIOUS BILL	PREVIOUS PAYMENTS	ADJUSTMENTS	PREVIOUS BALANCE	CURRENT CHARGES	AMOUNT DUE
131.55	131.55	0.00	0.00	63.72	63.72

605-428-5421 OR TOLL FREE 1-800-952-3566
FOR BILLING OR SERVICE QUESTIONS, PLEASE CALL

CURRENT CHARGES

LOCAL TELEPHONE CHARGES

Recurring Charges NOV 01 TO NOV 30

Description	Qty	Amount
911 END USER CHARGE	1	0.75
TOUCH TONE LINE	1	1.35
FEDERAL UNIVERSAL SVC CHARGE	1	0.46
INTERSTATE END USER - RES	1	6.00
RESIDENCE LINE	1	17.27
TELE-RELAY	1	0.15

Total Charges	25.98
Taxes FED 0.74 STA 0.98 LOC 0.50	2.22

Total LOCAL TELEPHONE CHARGES 28.20

CABLE TV CHARGES

Recurring Charges NOV 01 TO NOV 30

CATV - VALU PACKAGE	1	22.50
---------------------	---	-------

Total Charges	22.50
Taxes FED 0.00 STA 0.90 LOC 0.45	1.35

Total CABLE TV CHARGES 23.85

TOTAL LOCAL CHARGES 52.05

EXPRESS TELECOMMUNICATIONS CHARGES 1-800-952-3566 11.67

TOTAL CURRENT CHARGES 63.72

TOTAL AMOUNT DUE 63.72

%0865-----

DATE	*CT	PLACE	AREA-NUMBER	MIN	TIME	AMOUNT
09/16	DD	TO FLANDREAU SD	605 997-5604	13.5	9:23AM	1.89R
09/20	DD	TO FLANDREAU SD	605 997-5604	11.9	9:32AM	1.67R
09/21	DN	TO FLANDREAU SD	605 997-5604	8.5	9:08AM	1.19R
09/24	DE	TO FLANDREAU SD	605 997-5604	12.9	8:58PM	1.81R
09/26	DE	TO FLANDREAU SD	605 997-5604	15.0	7:47PM	2.10R
10/01	DE	TO FLANDREAU SD	605 997-5604	14.6	7:04PM	2.05R

*CT CALL TYPE: EXPLANATION
DD DIRECT DIALED Day
DN DIRECT DIALED Night/Weekend
DE DIRECT DIALED Evening

THE "REAL DEAL!" PLAN (R)
INITIAL RATING IS 14 CENTS PER MINUTE.
ADDITIONAL DISCOUNT APPLIED ON 10.71 DISC @ 0.0% 10.71
TAXES FED 0.32 STA 0.43 LOC 0.21 0.96
THE "REAL DEAL!" PLAN TOTAL (INCL TAX) 11.67

EXPRESS TELECOMMUNICATIONS TOTAL CHARGES 11.67
%MSG -----

LAW OFFICES

Lynn, Jackson, Shultz & Lebrun, P.C.

FIRST NATIONAL BANK BUILDING
909 ST. JOSEPH STREET
EIGHTH FLOOR
P.O. BOX 8250
RAPID CITY, SD 57709-8250
605-342-2592
FAX 605-342-5185

LAWYERS ALSO ADMITTED IN MINNESOTA AND IOWA
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US BANK BUILDING
141 N. MAIN AVENUE
EIGHTH FLOOR
P.O. BOX 1920
SIOUX FALLS, SD 57101-3020
605-332-5999
FAX 605-332-4249

*From the offices of Gene N. Lebrun
e-mail address: glebrun@lynnjackson.com*

July 30, 2003

RECEIVED

JUL 31 2003

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Mr. Kelly D. Frazier
Staff Attorney
South Dakota Public Utilities Commission
500 East Capital Avenue
Pierre, SD 57501-5070

Re: Microsoft (Merry, Tom R. v.)
TC03-040: In Re The Matter of the Unauthorized Long-Distance Billing of Customers in
the City of Dell Rapids, South Dakota, Caused by MSN Corporation d/b/a MSN TV f/k/a
WEB TV
Our File No. 000061-00007

Dear Kelly:

Pursuant to our telephone conversation of the morning of Wednesday, July 30, 2003, I am
enclosing herewith copies of the Receipt and Release forms signed by the following individuals:

1. Tom R. Merry and Judy Merry;
2. Fern Nemmers;
3. Howard J. Merry;
4. Barbara Horton;
5. Annie Ottoson.

These Receipt and Release forms are submitted for your information which demonstrates that
certain complaints relating to MSN's ISP service have been resolved. Microsoft settled these
complaints in the interest of good customer relations and want you and the South Dakota Public
Utilities Commission to know that the problems have been resolved. Microsoft continues to
maintain that these complaints fall outside the jurisdiction of the PUC regulatory authority.

Mr. Kelly D. Frazier
South Dakota Public Utilities Commission
July 30, 2003
Page 2

Microsoft just received the Receipt and Release back from Mrs. Ottoson today so I had it faxed to me immediately.

We appreciate your cooperation in this matter. If we can provide you with any additional information, please advise.

Sincerely yours,

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.

A handwritten signature in black ink, appearing to read "Gene N. Lebrun", written over a horizontal line.

Gene N. Lebrun

GNL:fjs

Enclosures

cc: Tim Fieldon

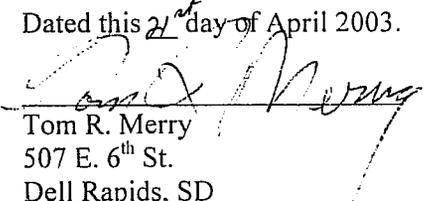
RECEIPT AND RELEASE

The undersigned, Tom R. Merry and Judy Merry, of 507 E. 6th St., Dell Rapids, South Dakota 57022-1707, hereby acknowledges receipt of \$94.81 from Microsoft Corporation ("Microsoft"), as reimbursement of long-distance toll charges incurred for Internet access in connection with Microsoft's MSN TV service for 2002.

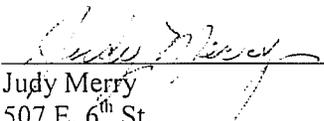
In consideration for the payment by Microsoft as set forth above, I agree as follows:

1. That by making such payment, this is the settlement of a disputed claim and an accommodation by Microsoft to me as a valued subscriber. Microsoft denies that it is responsible for my long-distance toll charges incurred for 2002, or for any other long-distance toll charges incurred for Internet access in connection with my subscription to MSN TV either before or after the execution of this Receipt and Release.
2. That by making this payment to me, Microsoft neither admits nor consents to the jurisdiction of the South Dakota Public Utilities Commission.
3. That I acknowledge that when I use MSN TV service a message appears on my TV screen advising me that the number displayed, which the MSN TV Internet receiver will dial to access the MSN TV service, may be a toll charge. I understand that this number may change, that after receiving this message I may incur long-distance toll charges for my Internet access if I proceed, that it is my responsibility to determine if the number displayed will in fact be a toll charge for me, and that in such event I will be responsible for such long-distance toll charges and will not be credited or reimbursed by Microsoft for such charges.
4. That I will withdraw any complaint that I may have filed with the South Dakota Public Utilities Commission regarding past long-distance toll charges for Internet access as a subscriber to MSN TV and agree and consent that any complaint that I may have filed or made be dismissed by the South Dakota Public Utilities Commission.
5. That I hereby RELEASE AND DISCHARGE, Microsoft, as well as its subsidiaries, affiliates, divisions, officers, directors, employees, agents, and assigns, from any and all claims including any damages under SDCL 49-31-93, demands, debts, losses, obligations, liabilities, costs, expenses, rights of action, and causes of action, of any kind or character whatsoever, whether known or unknown, suspected or unsuspected, based upon, relating to, or arising out of my subscription to MSN TV up through the date of this Receipt and Release.

Dated this 21st day of April 2003.



Tom R. Merry
507 E. 6th St.
Dell Rapids, SD
57022-1707
Email: merrytr@webtv.net



Judy Merry
507 E. 6th St.
Dell Rapids, SD
57022-1707
Email: merrytr@webtv.net

RECEIPT AND RELEASE

The undersigned, Fern Nemmers, 24448 476th Ave., Dell Rapids, South Dakota 57022, hereby acknowledges receipt of \$39.14 from Microsoft Corporation ("Microsoft"), as reimbursement of long-distance toll charges incurred for Internet access in connection with Microsoft's MSN TV service for 2002.

In consideration for the payment by Microsoft as set forth above, I agree as follows:

1. That by making such payment, this is the settlement of a disputed claim and an accommodation by Microsoft to me as a valued subscriber. Microsoft denies that it is responsible for my long-distance toll charges incurred for 2002, or for any other long-distance toll charges incurred for Internet access in connection with my subscription to MSN TV either before or after the execution of this Receipt and Release.
2. That by making this payment to me, Microsoft neither admits nor consents to the jurisdiction of the South Dakota Public Utilities Commission.
3. That I acknowledge that when I use MSN TV service a message appears on my TV screen advising me that the number displayed, which the MSN TV Internet receiver will dial to access the MSN TV service, may be a toll charge. I understand that this number may change, that after receiving this message I may incur long-distance toll charges for my Internet access if I proceed, that it is my responsibility to determine if the number displayed will in fact be a toll charge for me, and that in such event I will be responsible for such long-distance toll charges and will not be credited or reimbursed by Microsoft for such charges.
4. That I will withdraw any complaint that I may have filed with the South Dakota Public Utilities Commission regarding past long-distance toll charges for Internet access as a subscriber to MSN TV and agree and consent that any complaint that I may have filed or made be dismissed by the South Dakota Public Utilities Commission.
5. That I hereby RELEASE AND DISCHARGE, Microsoft, as well as its subsidiaries, affiliates, divisions, officers, directors, employees, agents, and assigns, from any and all claims including any damages under SDCL 49-31-93, demands, debts, losses, obligations, liabilities, costs, expenses, rights of action, and causes of action, of any kind or character whatsoever, whether known or unknown, suspected or unsuspected, based upon, relating to, or arising out of my subscription to MSN TV up through the date of this Receipt and Release.

Dated this 21st day of April 2003.

Fern Nemmers
Fern Nemmers
24448 476th St.
Dell Rapids, SD
57022
Email: jfdakopa@webtv.net

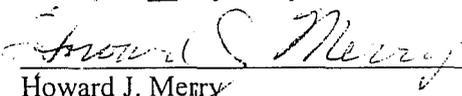
RECEIPT AND RELEASE

The undersigned, Howard J. Merry, 1304 Thresher Drive, Dell Rapids, South Dakota 57022, hereby acknowledges receipt of \$26.25 from Microsoft Corporation ("Microsoft"), as reimbursement of long-distance toll charges incurred for Internet access in connection with Microsoft's MSN TV service for 2002.

In consideration for the payment by Microsoft as set forth above, I agree as follows:

1. That by making such payment, this is the settlement of a disputed claim and an accommodation by Microsoft to me as a valued subscriber. Microsoft denies that it is responsible for my long-distance toll charges incurred for 2002, or for any other long-distance toll charges incurred for Internet access in connection with my subscription to MSN TV either before or after the execution of this Receipt and Release.
2. That by making this payment to me, Microsoft neither admits nor consents to the jurisdiction of the South Dakota Public Utilities Commission.
3. That I acknowledge that when I use MSN TV service a message appears on my TV screen advising me that the number displayed, which the MSN TV Internet receiver will dial to access the MSN TV service, may be a toll charge. I understand that this number may change, that after receiving this message I may incur long-distance toll charges for my Internet access if I proceed, that it is my responsibility to determine if the number displayed will in fact be a toll charge for me, and that in such event I will be responsible for such long-distance toll charges and will not be credited or reimbursed by Microsoft for such charges.
4. That I will withdraw any complaint that I may have filed with the South Dakota Public Utilities Commission regarding past long-distance toll charges for Internet access as a subscriber to MSN TV and agree and consent that any complaint that I may have filed or made be dismissed by the South Dakota Public Utilities Commission.
5. That I hereby RELEASE AND DISCHARGE, Microsoft, as well as its subsidiaries, affiliates, divisions, officers, directors, employees, agents, and assigns, from any and all claims including any damages under SDCL 49-31-93, demands, debts, losses, obligations, liabilities, costs, expenses, rights of action, and causes of action, of any kind or character whatsoever, whether known or unknown, suspected or unsuspected, based upon, relating to, or arising out of my subscription to MSN TV up through the date of this Receipt and Release.

Dated this 21st day of April 2003.



Howard J. Merry
1304 Thresher Drive
Dell Rapids, SD
57022

Email: rmhjmerry@webtv.net

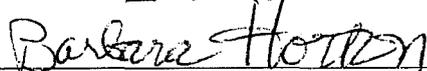
RECEIPT AND RELEASE

The undersigned, Barbara Horton, 47653 248th St., Dell Rapids, South Dakota 57022, hereby acknowledges receipt of \$77.70 from Microsoft Corporation ("Microsoft"), as reimbursement of long-distance toll charges incurred for Internet access in connection with Microsoft's MSN TV service for 2002.

In consideration for the payment by Microsoft as set forth above, I agree as follows:

1. That by making such payment, this is the settlement of a disputed claim and an accommodation by Microsoft to me as a valued subscriber. Microsoft denies that it is responsible for my long-distance toll charges incurred for 2002, or for any other long-distance toll charges incurred for Internet access in connection with my subscription to MSN TV either before or after the execution of this Receipt and Release.
2. That by making this payment to me, Microsoft neither admits nor consents to the jurisdiction of the South Dakota Public Utilities Commission.
3. That I acknowledge that when I use MSN TV service a message appears on my TV screen advising me that the number displayed, which the MSN TV Internet receiver will dial to access the MSN TV service, may be a toll charge. I understand that this number may change, that after receiving this message I may incur long-distance toll charges for my Internet access if I proceed, that it is my responsibility to determine if the number displayed will in fact be a toll charge for me, and that in such event I will be responsible for such long-distance toll charges and will not be credited or reimbursed by Microsoft for such charges.
4. That I will withdraw any complaint that I may have filed with the South Dakota Public Utilities Commission regarding past long-distance toll charges for Internet access as a subscriber to MSN TV and agree and consent that any complaint that I may have filed or made be dismissed by the South Dakota Public Utilities Commission.
5. That I hereby **RELEASE AND DISCHARGE**, Microsoft, as well as its subsidiaries, affiliates, divisions, officers, directors, employees, agents, and assigns, from any and all claims including any damages under SDCL 49-31-93, demands, debts, losses, obligations, liabilities, costs, expenses, rights of action, and causes of action, of any kind or character whatsoever, whether known or unknown, suspected or unsuspected, based upon, relating to, or arising out of my subscription to MSN TV up through the date of this Receipt and Release.

Dated this 21 day of April 2003.



Barbara Horton
47653 248th St.
Dell Rapids, SD
57022

Email: bdhorton@webtv.net

RECEIPT AND RELEASE

The undersigned, Annie Ottoson, 1220 E. Cedar St., Brandon, South Dakota 57005, hereby acknowledges receipt of \$244.99 from Microsoft Corporation ("Microsoft"), as reimbursement of long-distance toll charges incurred for Internet access in connection with Microsoft's MSN TV service for 2002.

In consideration for the payment by Microsoft as set forth above, I agree as follows:

1. That by making such payment, this is the settlement of a disputed claim and an accommodation by Microsoft to me as a valued subscriber. Microsoft denies that it is responsible for my long-distance toll charges incurred for 2002, or for any other long-distance toll charges incurred for Internet access in connection with my subscription to MSN TV either before or after the execution of this Receipt and Release.
2. That by making this payment to me, Microsoft neither admits nor consents to the jurisdiction of the South Dakota Public Utilities Commission.
3. That I acknowledge that when I use MSN TV service a message appears on my TV screen advising me that the number displayed, which the MSN TV Internet receiver will dial to access the MSN TV service, may be a toll charge. I understand that this number may change, that after receiving this message I may incur long-distance toll charges for my Internet access if I proceed, that it is my responsibility to determine if the number displayed will in fact be a toll charge for me, and that in such event I will be responsible for such long-distance toll charges and will not be credited or reimbursed by Microsoft for such charges.
4. That I will withdraw any complaint that I may have filed with the South Dakota Public Utilities Commission regarding past long-distance toll charges for Internet access as a subscriber to MSN TV and agree and consent that any complaint that I may have filed or made be dismissed by the South Dakota Public Utilities Commission.
5. That I hereby RELEASE AND DISCHARGE, Microsoft, as well as its subsidiaries, affiliates, divisions, officers, directors, employees, agents, and assigns, from any and all claims including any damages under SDCL 49-31-93, demands, debts, losses, obligations, liabilities, costs, expenses, rights of action, and causes of action, of any kind or character whatsoever, whether known or unknown, suspected or unsuspected, based upon, relating to, or arising out of my subscription to MSN TV up through the date of this Receipt and Release.

Dated this 3 day of July 2003.



Annie Ottoson
1400 Thresher Drive
Room 159B
Dell Rapids, SD 57022

Email: annieottoson@webtv.net

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

**IN THE MATTER OF THE UNAUTHORIZED) ORDER CLOSING DOCKET
LONG DISTANCE BILLING OF CUSTOMERS)
IN THE CITY OF DELL RAPIDS, SOUTH) TC03-040
DAKOTA CAUSED BY MSN CORPORATION)
D/B/A MSN TV F/K/A WEBTV)**

On January 24, 2003, the Public Utilities Commission (Commission) received a filing from Commission Staff requesting that the Commission issue an Order To Show Cause as to why MSN Corporation d/b/a MSN TV f/k/a WEBTV (MSN TV) should not be found in violation of South Dakota Law. According to the Motion, MSN TV, or its access partners, routed customers to a long distance number for accessing the internet in violation of an agreement that customers would always be permitted to access the internet without incurring long distance charges. The Motion alleges that the routing resulted in the initiation of unauthorized billing in violation of South Dakota law, including, but not necessarily limited to SDCL 49-13-93.

On January 30, 2003, the Commission electronically transmitted notice of the filing and the intervention deadline of February 13, 2003, to interested individuals and entities. No petitions to intervene or comments were filed. On August 19, 2003, Commission Staff informed the Commission that settlement had been reached in this matter.

The Commission has jurisdiction over this matter pursuant to SDCL 49-41B, specifically SDCL 49-31-3, 49-31-5 and 49-31-7.1 and ARSD 20:10:01:45.

At a regularly scheduled August 19, 2003, meeting, the Commission considered this matter. The Commission voted unanimously to close the docket. It is therefore

ORDERED, that the docket shall be closed.

Dated at Pierre, South Dakota, this 28th day of August, 2003.

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>Deldine Kolbo</i></u>
Date: <u><i>8/29/03</i></u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner

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

IN THE MATTER OF THE UNAUTHORIZED)	<u>AMENDED ORDER</u>
LONG DISTANCE BILLING OF CUSTOMERS)	CLOSING DOCKET
IN THE CITY OF DELL RAPIDS, SOUTH)	
DAKOTA CAUSED BY MSN CORPORATION)	TC03-040
D/B/A MSN TV F/K/A WEBTV)	

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~~The Commission has jurisdiction over this matter pursuant to SDCL 49-41B, specifically SDCL 49-31-3, 49-31-5 and 49-31-7.1 and ARSD 20:10:01:45.~~

The Order Closing Docket issued on August 28, 2003, is rescinded and this Order is issued in lieu thereof.

At a regularly scheduled August 19, 2003, meeting, the Commission considered this matter. The Commission voted unanimously to close the docket. It is therefore

ORDERED, that the docket shall be closed.

Dated at Pierre, South Dakota, this 3rd day of September, 2003.

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 Kolbo</i></u>
Date: <u>9/3/03</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman *sk*

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner