

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

**IN THE MATTER OF NORTSHORE  
TELEMARKETING'S FAILURE TO  
REGISTER AS A TELEMARKETER  
AND THE SOLICITATIONS IT MADE  
TO THOSE REGISTERED ON THE DO  
NOT CALL LIST**

**BRIEF IN SUPPORT OF STAFF'S  
MOTION TO DISMISS**

TC07-013

COMES NOW Commission Staff (herein "Staff"), by and through its attorney, Kara Semmler, in support of its Motion wherein it requested the Public Utilities Commission (herein "Commission") dismiss the above captioned docket.

**FACTS**

Ms. Judy McKulsy of Aurora, South Dakota filed a complaint with the Commission on January 9, 2007 regarding unwanted calls she received from North Shore Telemarketing (herein "North Shore"). Ms. McKulsy's phone number is on the Do Not Call Registry. After investigation, Deb Gregg, consumer affairs manager, verified that North Shore is not registered with the Commission. Ms. Gregg, through both written correspondence and telephone conversation, informed North Shore of the various South Dakota Do Not Call rules it violated.

Initially, North Shore failed to respond, and refused to modify its business practices. Consequently, Staff filed a Motion for an Order to Show Cause on February 21, 2007. Staff believed a hearing was necessary to require North Shore show why its behavior was not a violation of South Dakota's Do Not Call rules and further why it should not be fined for violations. Shortly thereafter, however, North Shore modified its business practices. Staff does not believe a hearing remains necessary. North Shore has not called Ms. McKulsy or other South Dakota residents located on the Do Not Call Registry since Staff began its investigation.

## ARGUMENT

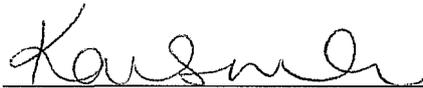
The subject behavior has ceased. North Shore no longer calls South Dakota residents on the Do Not Call Registry. Staff does not find a hearing remains necessary.

## CONCLUSION

For the above stated reasons, Staff respectfully requests this Commission dismiss the above captioned docket.

Dated this 1<sup>st</sup> day of February, 2008

Commission Staff



Kara Semmler  
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