

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER DISMISSING</b>
<b>BY MERLE FLOTTMEYER, WATERTOWN, )</b>	<b>COMPLAINT AND CLOSING</b>
<b>SOUTH DAKOTA, AGAINST DISH NETWORK )</b>	<b>DOCKET</b>
<b>REGARDING A DO NOT CALL COMPLAINT )</b>	<b>CT06-003</b>

On October 13, 2006, the Public Utilities Commission (Commission) received a complaint filed by Merle Flottmeyer, Watertown, South Dakota (Complainant), against Dish Network (Dish) regarding a do not call complaint.

On October 13, 2006, the complaint was faxed to Dish. Pursuant to ARSD 20:10:01:09, Dish was notified that it must satisfy the complaint or file an answer in writing with the Commission by November 2, 2006. The Commission received written correspondence from Dish on December 5, 2006, responding to the complaint. On December 6, 2006, the Commission received a letter from Complainant voluntarily withdrawing his complaint and giving Commission Staff express permission to include his complaint in the Commission's action against Dish or other appropriate entity.

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, 49-31-99 through 49-31-108, inclusive, and ARSD Chapters 20:10:01 and 20:10:34.

On December 19, 2006, 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 28<sup>th</sup> day of December, 2006.

<b>CERTIFICATE OF SERVICE</b>
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>Delaine Koelb</u>
Date: <u>12/29/06</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson  
DUSTIN M. JOHNSON, Chairman

Gary Hanson  
GARY HANSON, Commissioner

Steve Kolbeck  
STEVE KOLBECK, Commissioner