

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

**IN THE MATTER OF THE COMPLAINT FILED BY VINCE
WIENK ON BEHALF OF ALL STAR TRAVELERS INN,
SPEARFISH, SOUTH DAKOTA, AGAINST AT&T
COMMUNICATIONS OF THE MIDWEST, INC.
REGARDING ACCESS TO BLOCKED LINES**

) **ORDER DISMISSING COMPLAINT
) AND CLOSING DOCKET**

) **CT99-001**
)
)

On February 22, 1999, the Public Utilities Commission (Commission) received a complaint filed by Vince Wienk on behalf of All Star Travelers Inn, Spearfish, South Dakota (Complainant), against AT&T Communications of the Midwest, Inc. (AT&T), regarding charges incurred by a guest of the All Star Travelers Inn even though the motel had blocks to prohibit such charges. Complainant alleged inability to pay for the unauthorized phone calls and further asserted that motel businesses should be notified of the vulnerability of phone systems to this type of abuse.

Pursuant to ARSD 20:10:01:08.01 and 20:10:01:09, if a complaint cannot be settled without formal action, the Commission shall determine if the complaint shows probable cause of an unlawful or unreasonable act, rate, practice or omission to go forward with the complaint. On March 25, 1999, at a duly noticed meeting, Complainant appeared and presented its case on the issue of probable cause. Commission staff recommended a finding of probable cause due to unresolved factual issues. The Commission unanimously voted to find probable cause and entered an Order to that effect on March 30, 1999.

On June 8, 1999, at a duly noticed meeting, the Commission reviewed the complaint. Commission Staff represented to the Commission that the Complainant and AT&T had reached a settlement. Based upon this communication from the Complainant and AT&T, Commission Staff recommended that the complaint be dismissed and the docket closed.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-13-1, 49-13-4, 49-13-13, 49-13-14.1, 49-31-3, 49-31-7, 49-31-7.1, 49-31-11, 49-31-60 through 49-31-68, inclusive, and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission voted unanimously to dismiss the complaint and close the docket. It is therefore

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

Dated at Pierre, South Dakota, this 22nd day of June, 1999.

CERTIFICATE OF SERVICE	BY ORDER OF THE COMMISSION:
<p>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.</p> <p>By: _____</p> <p>Date: _____</p> <p style="text-align: center;">(OFFICIAL SEAL)</p>	<p>_____</p> <p style="text-align: center;">PAM NELSON, Commissioner</p> <p>_____</p> <p style="text-align: center;">LASKA SCHOENFELDER, Commissioner</p>