Consumer Complaint Orders - Issued 1999

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED BY BRYAN AND NATALIE PARKS, RAPID CITY, SOUTH DAKOTA, AGAINST WESTERN TELECOM REGARDING UNAUTHORIZED BILLING FOR SERVICES	**)** **)** **)** **)** **)**	**ORDER DISMISSING COMPLAINT AND CLOSING DOCKET** **CT99-021**

On July 29, 1999, the Public Utilities Commission (Commission) received a complaint filed by Bryan and Natalie Parks, Rapid City, South Dakota (Complainants), against Western Telecom (Western). Complainants allege receiving a billing commencing in May 1999, for services which they had previously refused.

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 August 17, 1999, the Commission considered this matter. Commission Staff recommended a finding of probable cause. The Commission voted unanimously to find that probable cause of an unlawful or unreasonable act, rate, practice or omission was committed by Western and ordered that the complaint be forwarded to Western and Western should file with the Commission its answer in writing within twenty (20) days of service of the order.

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, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive.

By order dated September 15, 1999, a hearing was scheduled for October 15, 1999, beginning at 9:00 o'clock A.M., MDT, in the Rapid City School Administration Building, 1st Floor Meeting Room, 300 6th Street, Rapid City, South Dakota. On October 12, 1999, the Commission received information that the parties had reached a settlement, so the hearing was cancelled.

A regularly scheduled November 1, 1999, meeting, the Commission considered this matter. Staff informed the Commission that the parties had reached a settlement as to the billing and penalties. It is therefore

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

Dated at Pierre, South Dakota, this 4th day of November, 1999.

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:_____

Date:_____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

_____
JAMES A. BURG, Chairman

_____
PAM NELSON, Commissioner

_____
LASKA SCHOENFELDER, Commissioner

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