

**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 FINDING PROBABLE
CAUSE AND NOTICE
REQUIRING ANSWER

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). Complainant alleged that a motel guest was able to charge calls to the motel even though the motel had blocks to prohibit such charges. Complainant is unable to pay for unauthorized phone calls and 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. Commission Staff recommended a finding of probable cause due to unresolved factual issues.

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 find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and that the complaint shall be forwarded to AT&T and AT&T shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 30th day of March, 1999.

CERTIFICATE OF SERVICE

BY ORDER OF THE COMMISSION:

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)

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

LASKA SCHOENFELDER,
Commissioner