

Consumer Complaint Orders - Issued 1999

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

IN THE MATTER OF THE COMPLAINT FILED BY HARRY AND MARGARET PUTNAM, RAPID CITY, SOUTH DAKOTA, AGAINST TOUCHTONE COMMUNICATIONS REGARDING UNAUTHORIZED BILLING FOR SERVICES))))))	ORDER FINDING PROBABLE CAUSE AND NOTICE REQUIRING ANSWER
		CT99-030

On August 10, 1999, the Public Utilities Commission (Commission) received a complaint filed by Harry and Margaret Putnam, Rapid City, South Dakota (Complainants), against Touchtone Communications (Touchtone). The Complainants alleged unauthorized billing in the amount of \$39.95 for unauthorized services and \$3.95 for a late fee in their June billing. Complainants request that the Commission resolve this matter.

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 25, 1999, at a duly noticed meeting, the Commission considered this matter. Complainant Harry Putnam appeared and, in addition to the allegations above, stated that he had been billed for 333 minutes of long distance calls. The Commission determined that there was probable cause that an unlawful or unreasonable act, rate, practice or omission was committed by Touchtone.

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. 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 the complaint shall be forwarded to Touchtone and Touchtone shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 1st day of September, 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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