

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

IN THE MATTER OF THE COMPLAINT FILED )	ORDER DISMISSING
BY THELMA "SALLY" FOX, HURON, SOUTH )	COMPLAINT AND CLOSING
DAKOTA, AGAINST TOUCHTONE )	DOCKET
COMMUNICATIONS REGARDING )	
UNAUTHORIZED BILLING FOR SERVICES )	CT99-009
AND A LACK OF A CERTIFICATE OF )	
AUTHORITY )	

On July 8, 1999, the Public Utilities Commission (Commission) received a complaint filed by Thelma "Sally" Fox, Huron, South Dakota (Complainant), against Touchtone Communications (Touchtone) regarding the unauthorized billing for services. Touchtone does not have a certificate of authority to act as a telecommunications company. Complainant alleged that her long distance phone service was switched to Touchtone prior to her May 1999, billing without authorization and that she has been unable to resolve the dispute. She is seeking reimbursement of the charges and penalties assessed.

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 November 1, 1999, at a duly noticed meeting, Commission Staff informed the Commission that the parties had reached a settlement as to the billing and penalties and the Complainant wished to have the complaint 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, 49-31-89 through 49-31-96, 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 4<sup>th</sup> day of November, 1999.

<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 Kaelbo</u>
Date: <u>11/5/99</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner

Laska Schoenfelder  
LASKA SCHOENFELDER, Commissioner