

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

IN THE MATTER OF THE COMPLAINT FILED ) BY LYNETTE BRAUN, RAPID CITY, SOUTH ) DAKOTA, AGAINST NATIONAL BILLING ) EXCHANGE SPECIAL SERVICES REGARDING ) UNAUTHORIZED SWITCHING OF SERVICES )	) ) ) ) ) )	ORDER DISMISSING COMPLAINT AND CLOSING DOCKET  CT99-010
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On July 19, 1999, the Public Utilities Commission (Commission) received a complaint filed by Lynette Braun, Rapid City, South Dakota (Complainant), against National Billing Exchange Special Services (National Exchange) regarding the unauthorized switching of services. Complainant alleged that she was billed \$39.95 for unauthorized services in January, 1999, 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. Probable cause was found by the Commission at its August 17, 1999, meeting.

On November 1, 1999, at a duly noticed meeting, Commission Staff informed the Commission that the parties had reached a settlement 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><i>Neilson Kalbs</i></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