

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING
BY MARIA R. BAUS, VOLIN, SOUTH DAKOTA,)	COMPLAINT AND CLOSING
AGAINST EXCEL TELECOMMUNICATIONS,)	DOCKET
INC. REGARDING UNAUTHORIZED)	
SWITCHING OF SERVICES)	CT99-029

On August 9, 1999, the Public Utilities Commission (Commission) received a complaint filed by Maria R. Baus, Volin, South Dakota (Complainant), against Excel Telecommunications, Inc. (Excel) alleging that Excel billed her for services after WorldCom had been authorized as the chosen carrier. Complainant sought a credit of charges and penalties.

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 September 8, 1999, the Commission determined that there was probable cause that an unlawful or unreasonable act, rate, practice or omission was committed by Excel. The matter was scheduled for hearing on December 2, 1999.

On November 29, 1999, the Commission received a letter from the Complainant indicating that she was satisfied with a resolution of the matter and that the case should be considered closed.

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, 49-31-7.3, 49-31-7.4, 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 49-31-97, inclusive, and ARSD Chapters 20:10:01 and 20:10:34.

On December 14, 1999, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted to dismiss the complaint and close the docket. It is therefore

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

Dated at Pierre, South Dakota, this 21st day of December, 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: <u><i>Delvina Keels</i></u>
Date: <u>12/23/99</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