

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING
BY HARRY AND MARGARET PUTNAM, RAPID)	COMPLAINT AND CLOSING
CITY, SOUTH DAKOTA, AGAINST)	DOCKET
TOUCHTONE COMMUNICATIONS)	
REGARDING UNAUTHORIZED BILLING FOR)	CT99-030
SERVICES)	

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 voted unanimously to find that probable cause of an unlawful or unreasonable act, rate, practice or omission was committed by Touchtone and ordered that the complaint be forwarded to Touchtone and Touchtone should file with the Commission its answer in writing within twenty (20) days of service of the order.

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.

By order dated September 15, 1999, a hearing was scheduled for October 14, 1999, beginning at 1:00 o'clock P.M., MDT, in the Rapid City School Administration Building, 3rd Floor E Meeting Room, 300 6th Street, Rapid City, South Dakota. In a letter received October 6, 1999, the Complainants stated that their complaint had been satisfactorily resolved and the hearing was cancelled.

At its regularly scheduled November 1, 1999, meeting, the Commission considered this matter. It is therefore

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

Dated at Pierre, South Dakota, this 4th day of November, 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>William Koeho</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