BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED BY ROSELLA LEE, ARLINGTON, SOUTH DAKOTA, AGAINST WESTERN TELECOM REGARDING UNAUTHORIZED BILLING FOR SERVICES	)))))	**ORDER DISMISSING COMPLAINT AND CLOSING DOCKET** **CT99-034**

On August 12, 1999, the Public Utilities Commission (Commission) received a complaint filed by Rosella Lee, Arlington, South Dakota (Complainant), against Western Telecom (Western), regarding alleged unauthorized charges on her long distance bill. Complainant requests that the unauthorized charges be removed from her bill.

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, Commission Staff recommended a finding of probable cause due to unresolved factual issues. The Commission voted unanimously to find probable cause and ordered that the complaint be forwarded to Western and Western 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 26, 1999, beginning at 1:30 o'clock P.M., in the Huron Crossroads Hotel Meeting Room, Huron, South Dakota. In a letter received October 19, 1999, the Complainant stated that her complaint has been satisfactorily resolved. The hearing was cancelled.

On November 1, 1999, at its 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 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: Delaine Kolbo

Date: 11/5/99

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg

JAMES A. BURG, Chairman

Pam Nelson

PAM NELSON, Commissioner

Laska Schoenfelder

LASKA SCHOENFELDER, Commissioner