

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

IN THE MATTER OF THE COMPLAINT FILED )	ORDER DISMISSING
BY BRIAN AND RENEE D. COLEY, DBA )	COMPLAINT AND CLOSING
CAMBRIDGE GALLERY/SIOUX GLASS AND )	DOCKET
DOOR, SIOUX FALLS, SOUTH DAKOTA, )	
AGAINST PREFERRED BILLING REGARDING )	CT99-036
UNAUTHORIZED SWITCHING OF SERVICES )	

On August 16, 1999, the Public Utilities Commission (Commission) received a complaint filed by Brian and Renee D. Coley, dba Cambridge Gallery/Sioux Glass and Door, Sioux Falls, South Dakota (Complainants), against Preferred Billing (Preferred) regarding alleged unauthorized charges on their long distance bill. The Complainants request that the unauthorized charges be removed from their 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. Probable cause was found in this matter on August 25, 1999.

On November 15, 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 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. It is therefore

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

Dated at Pierre, South Dakota, this 8<sup>th</sup> day of December, 1999.

<p><b>CERTIFICATE OF SERVICE</b></p> <p>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.</p> <p>By: <u>Melanie Koebel</u></p> <p>Date: <u>12/8/99</u></p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner

Laska Schoenfelder  
LASKA SCHOENFELDER, Commissioner