

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING
BY PAULA MUCHOW, RAPID CITY, SOUTH)	COMPLAINT AND CLOSING
DAKOTA, AGAINST CREATIVE)	DOCKET
OPPORTUNITIES REGARDING)	
UNAUTHORIZED BILLING FOR SERVICES)	CT99-042

On October 4, 1999, the Public Utilities Commission (Commission) received a complaint filed by Paula Muchow, Rapid City, South Dakota (Complainant), against Creative Opportunities (CO) regarding unauthorized long distance telephone charges.

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 October 19, 1999, the Commission determined that there was probable cause that an unlawful or unreasonable act, rate, practice or omission was committed by CO. The matter was scheduled for hearing on December 6, 1999.

On December 3, 1999, the Commission Staff received a phone call from Complainant indicating that she was satisfied with a resolution of the matter and that the case should be considered closed. On this same date, CO's attorney confirmed to Commission Staff that a settlement had been reached.

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>Alaine Keeso</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