

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER FINDING</b>
<b>BY KEVIN AND GAYLE SUING, SIOUX FALLS, )</b>	<b>PROBABLE CAUSE AND</b>
<b>SOUTH DAKOTA, AGAINST AT&amp;T )</b>	<b>NOTICE REQUIRING</b>
<b>COMMUNICATIONS OF THE MIDWEST, INC. )</b>	<b>ANSWER</b>
<b>REGARDING UNAUTHORIZED BILLING FOR )</b>	
<b>SERVICES )</b>	<b>CT99-043</b>

On October 4, 1999, the Public Utilities Commission (Commission) received a complaint filed by Kevin and Gayle Suing, Sioux Falls, South Dakota (Complainants), against AT&T Communications of the Midwest, Inc. (AT&T), regarding alleged unauthorized billing for services. The Complainants claim that they were billed by AT&T for unauthorized services. They seek to have all charges removed from their account and that fines and penalties be assessed.

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, at a duly noticed meeting, Ms. Suing explained her complaint against AT&T. AT&T's representatives explained the company's position in this matter.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-13-1, 49-13-4, 49-13-13, 49-13-14.1, 49-31-3, 49-31-7, 49-31-7.1, 49-31-11, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission voted unanimously to find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and that the complaint shall be forwarded to AT&T and AT&T shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 29<sup>th</sup> day of October, 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><i>Delaine Kalbo</i></u></p> <p>Date: <u><i>10/29/99</i></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