BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED BY NANCY VAN HEERDE, SIOUX FALLS, SOUTH DAKOTA, AGAINST THE FURST GROUP REGARDING UNAUTHORIZED SWITCHING OF SERVICES	)))))	ORDER FINDING NO PROBABLE CAUSE, DISMISSING COMPLAINT AND CLOSING DOCKET CT99-059

On November 18, 1999, the Public Utilities Commission (Commission) received a complaint from Nancy Van Heerde, Sioux Falls, South Dakota (Complainant), against The Furst Group (Furst) regarding an alleged switching of her long distance service by a deceptive telemarketer.

On November 29, 1999, at its regularly scheduled meeting, the Commission considered this matter. The Complainant appeared via teleconference. Commission staff recommended that no finding of probable cause be made.

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.

The Commission voted 2 to 1 to find no probable cause of an unlawful or unreasonable act, rate, practice, or omission on the part of Furst and to dismiss the complaint and close the docket. Commissioner Nelson dissented. As the Commission's final decision in this matter, it is therefore

ORDERED that the complaint is dismissed and docket CT99-059 is hereby closed.

Dated at Pierre, South Dakota, this 8th 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: Delaine Kolbo

Date: 12/8/99

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg

JAMES A. BURG, Chairman

PAM NELSON, Commissioner, dissenting

LASKA SCHOENFELDER, Commissioner