

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

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| IN THE MATTER OF THE COMPLAINT FILED) BY ALLEN AND JOYCE BECKLER,) ABERDEEN, SOUTH DAKOTA, AGAINST OLS,) INC. REGARDING SWITCHING OF SERVICES) THROUGH DECEPTIVE TELEMARKETING) PRACTICES) | ORDER CANCELLING HEARING CT99-063 |
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On November 22, 1999, the Public Utilities Commission (Commission) received a complaint filed by Allen and Joyce Beckler, Aberdeen, South Dakota (Complainants), against OLS, Inc. (OLS) regarding alleged switching of services through deceptive telemarketing practices. Complainants request that all assessed charges be dropped and that \$1000 in penalties be paid to them.

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 December 14, 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.

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.

By order dated March 14, 2000, a hearing was scheduled for May 4, 2000, beginning at 1:00 o'clock P.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. On May 2, 2000, Commission Staff was contacted by Complainants who informed the Staff that settlement had been reached in this matter and they wished to have their complaint dismissed, so therefore the hearing is cancelled. It is therefore

ORDERED, that the hearing scheduled for May 4, 2000, is cancelled.

Dated at Pierre, South Dakota, this 2nd day of May, 2000.

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| 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><i>Debbie Kalbs</i></u> |
| Date: <u>5/2/00</u> |
| (OFFICIAL SEAL) |

BY ORDER OF THE COMMISSION:

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| <u><i>James A. Burg</i></u> JAMES A. BURG, Chairman |
| <u><i>Pam Nelson</i></u> PAM NELSON, Commissioner |
| <u><i>Laska Schoenfelder</i></u> LASKA SCHOENFELDER, Commissioner |