

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

IN THE MATTER OF THE COMPLAINT FILED) BY DONALD D. WYNIA, TYNDALL, SOUTH) DAKOTA, AGAINST OPEX) COMMUNICATIONS, ALSO DOING BUSINESS) AS COGNIGEN REGARDING FAULTY BILLING) PRACTICES)	ORDER DISMISSING COMPLAINT AND CLOSING DOCKET CT99-071
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On December 7, 1999, the Public Utilities Commission (Commission) received a complaint filed by Donald D. Wynia, Tyndall, South Dakota (Complainant), against Opex Communications, also doing business as Cognigen (Opex). The Complainant alleged faulty billing practices.

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 determined at the Commission's regularly scheduled December 28, 1999, meeting.

On February 22, 2000, the Commission Staff received a letter from Complainant indicating that there had been a resolution of the matter and that the case should be considered closed.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13 and 49-31.

On February 29, 2000, 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 6th day of March, 2000.

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: *Alpine Kalbo*

Date: 3/8/00

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner