

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

IN THE MATTER OF THE COMPLAINT FILED )	ORDER DISMISSING
BY HARLAN L. HAMMER, SISSETON, SOUTH )	COMPLAINT AND CLOSING
DAKOTA, AGAINST OLS, INC. REGARDING )	DOCKET
SWITCHING TELECOMMUNICATIONS )	
SERVICES THROUGH DECEPTIVE TACTICS )	CT99-073

On December 7, 1999, the Public Utilities Commission (Commission) received a complaint filed by Harlan L. Hammer, Sisseton, South Dakota (Complainant), against OLS, Inc. (OLS) regarding alleged switching telecommunications services through deceptive tactics. Complainant is seeking penalties on behalf of all people who were switched to OLS.

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 28, 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. On March 21, 2000, Complainant informed the Commission Staff that the matter had been settled.

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 April 13, 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 20<sup>th</sup> day of April, 2000.

<b>CERTIFICATE OF SERVICE</b>
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>Melanie Kalbo</i></u>
Date: <u>4/20/00</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

<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