

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FOR AND NOTICE
BY HARRY AND MARGARET PUTNAM, RAPID)	OF HEARING
CITY, SOUTH DAKOTA, AGAINST)	
TOUCHTONE COMMUNICATIONS)	CT99-030
REGARDING UNAUTHORIZED BILLING FOR)	
SERVICES)	

On August 10, 1999, the Public Utilities Commission (Commission) received a complaint filed by Harry and Margaret Putnam, Rapid City, South Dakota (Complainants), against Touchtone Communications (Touchtone). The Complainants alleged unauthorized billing in the amount of \$39.95 for unauthorized services and \$3.95 for a late fee in their June billing. Complainants request that the Commission resolve this matter.

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 August 25, 1999, at a duly noticed meeting, the Commission considered this matter. Complainant Harry Putnam appeared and, in addition to the allegations above, stated that he had been billed for 333 minutes of long distance calls. The Commission voted unanimously to find that probable cause of an unlawful or unreasonable act, rate, practice or omission was committed by Touchtone and ordered that the complaint be forwarded to Touchtone and Touchtone should file with the Commission its answer in writing within twenty (20) days of service of the order.

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, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive.

A hearing shall be held on October 14, 1999, beginning at 1:00 o'clock P.M., MDT, in the Rapid City School Administration Building, 3rd Floor E Meeting Room, 300 6th Street, Rapid City, South Dakota. All persons so testifying will be subject to cross-examination by the parties. The order of the proceeding will be in the following sequence: (1) Complainant; (2) Touchtone; and (3) Staff.

The issue at the hearing is whether Touchtone committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission shall determine whether Touchtone committed an unlawful or unreasonable act, rate, practice, or omission and, if so, order any appropriate relief. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED that a hearing shall be held at the time and place specified above on the issue of whether Touchtone committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 15th day of September, 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: <u><i>Delvina Kalbo</i></u>
Date: <u>9/16/99</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner