BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED BY BRAD CLARK ELECTRIC, INC., FORT PIERRE, SOUTH DAKOTA, AGAINST FIRSTEL, INC. REGARDING UNAUTHORIZED BILLING FOR SERVICES	)))))	ORDER DISMISSING COMPLAINT AND CLOSING DOCKET CT99-039

On September 1, 1999, the Public Utilities Commission (Commission) received a complaint filed by Brad Clark Electric, Inc., Fort Pierre, South Dakota (Complainant), against FirsTel, Inc. (FirsTel) regarding an unauthorized billing for services. The Complainant requests that the account be closed and all charges be removed.

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 September 21, 1999 at a duly noticed meeting, Commission Staff informed the Commission that the parties had reached a settlement and the Complainant wished to have the complaint dismissed and the docket closed.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-13-1, 49-13-4, 49-13-13, 49-13-14.1, 49-31-3, 49-31-7, 49-31-7.1, 49-31-11, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission voted unanimously to dismiss the complaint and close the docket. It is therefore

ORDERED, that this complaint be dismissed and the docket be closed.

Dated at Pierre, South Dakota, this 23rd 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: Delaina Koebo

Date: 9/23/99

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

LASKA SCHOENFELDER, Commissioner