

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>)</b>	<b>ORDER DISMISSING</b>
<b>BY DALE W. FREDERICK, WATERTOWN, )</b>	<b>)</b>	<b>COMPLAINT AND CLOSING</b>
<b>SOUTH DAKOTA, AGAINST OLS, INC. )</b>	<b>)</b>	<b>DOCKET</b>
<b>R E G A R D I N G S W I T C H I N G )</b>	<b>)</b>	
<b>TELECOMMUNICATIONS SERVICES )</b>	<b>)</b>	<b>CT00-027</b>
<b>THROUGH DECEPTIVE TACTICS )</b>	<b>)</b>	

On January 25, 2000, the Public Utilities Commission (Commission) received a complaint filed by Dale W. Frederick, Watertown, South Dakota (Complainant), against OLS, Inc. (OLS) regarding alleged switching of telecommunications services through deceptive tactics. Complainant is seeking a remedy for unauthorized switching and unsolicited telemarketing.

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 February 15, 2000, at a duly noticed meeting, Commission Staff recommended a finding of probable cause due to unresolved factual issues. The Commission unanimously voted to find that there was probable cause of an unlawful or unreasonable act, rate, practice, or omission on the part of OLS. On May 9, 2000, the Commission Staff received word 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, 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 May 30, 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 June, 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: _____
Date: _____
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

\_\_\_\_\_  
JAMES A. BURG, Chairman

\_\_\_\_\_  
PAM NELSON, Commissioner

\_\_\_\_\_  
LASKA SCHOENFELDER, Commissioner