

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER DISMISSING</b>
<b>BY JUDY M. NELSON, PIEDMONT, SOUTH )</b>	<b>COMPLAINT AND CLOSING</b>
<b>DAKOTA, AGAINST U S WEST )</b>	<b>DOCKET</b>
<b>COMMUNICATIONS, INC. REGARDING )</b>	
<b>WRONGFUL BILLINGS AND BILLING )</b>	<b>CT00-072</b>
<b>PRACTICES FOR LONG DISTANCE )</b>	
<b>TELEPHONE SERVICES AS A RESULT OF )</b>	
<b>"SLAMMING" BY VARIOUS TELEPHONE )</b>	
<b>COMPANIES )</b>	

On March 27, 2000, the Public Utilities Commission (Commission) received a complaint filed by Judy M. Nelson, Piedmont, South Dakota (Complainant), against U S WEST Communications, Inc. (U S WEST) regarding wrongful billings and billing practices for long distance telephone services as a result of "slamming" by various telephone companies.

On May 12, 2000, the complaint was faxed to U S WEST. Pursuant to ARSD 20:10:01:09, the company was notified that it must satisfy the complaint or file an answer in writing with the Commission by June 1, 2000. On May 26, 2000, the Commission received an answer from U S WEST.

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, 20:10:05, 20:10:06, 20:10:07 and 20:10:34.

By order dated June 12, 2000, the Commission set the matter for hearing. On June 13, 2000, the Commission received a letter from Complainant requesting a continuance of the hearing. U S WEST did not object to the continuance. The Commission granted the continuance, cancelled the hearing scheduled for July 6, 2000, and set a new hearing date.

By order dated June 29, 2000, a hearing was scheduled for August 22, 2000, beginning at 8:30 o'clock A.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. On August 8, 2000, the Commission received a letter from Complainant requesting a continuance of the hearing. U S WEST did not object to the continuance. The Commission granted the continuance, cancelled the hearing scheduled for August 22, 2000, and a hearing date was to be set at a later time. Commission Staff received word from the Complainant stating that the complaint against U S WEST had been resolved.

On November 2, 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 9<sup>th</sup> day of November, 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:	<u>Alaine Koebel</u>
Date:	<u>11/14/00</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