

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

IN THE MATTER OF THE COMPLAINT FILED) BY BILL AND BEV GALLAGHER, STEPHAN,) SOUTH DAKOTA, AGAINST EXCEL) TELECOMMUNICATIONS, INC. REGARDING) UNAUTHORIZED SWITCHING OF SERVICES) AND DOUBLE BILLING)	ORDER DISMISSING COMPLAINT AND CLOSING DOCKET CT00-106
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On October 16, 2000, the Public Utilities Commission (Commission) received a complaint filed by Bill and Bev Gallagher, Stephan, South Dakota (Complainants), against Excel Telecommunications, Inc. (Excel) regarding unauthorized switching of services and double billing.

On October 16, 2000, the complaint was faxed to Excel. Pursuant to ARSD 20:10:01:09, Excel was notified that it must satisfy the complaint or file an answer in writing with the Commission by November 6, 2000. The Commission has not received an answer from Excel to this complaint. A hearing in this matter was scheduled for November 29, 2000. By order dated November 14, 2000, the hearing was cancelled as Commission Staff was informed that settlement had been reached in this matter.

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 December 12, 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 20th day of December, 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><i>Delaine Kelso</i></u>
Date: <u>12/21/00</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