

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FINDING
BY BYRON NOGELMEIER, PARKER, SOUTH)	PROBABLE CAUSE AND
DAKOTA, AGAINST EXCEL)	NOTICE REQUIRING
TELECOMMUNICATIONS, INC. REGARDING)	ANSWER
BILLING ISSUES.)	CT00-039

On February 22, 2000, the Public Utilities Commission (Commission) received a complaint filed by Byron Nogelmeier, Parker, South Dakota (Complainant), against Excel Telecommunications, Inc. (Excel) regarding billing issues. Complainant requests "that Excel be required to pay me the maximum amount allowed by law, which I believe is \$1,000 and to refund to me all the charges for the months in question."

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 March 14, 2000, at a duly noticed meeting, Commission Staff recommended a finding of probable cause due to unresolved factual issues.

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. The Commission voted unanimously to find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and that the complaint shall be forwarded to Excel and Excel shall satisfy the complaint or file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 20th day of March, 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: _____
Date: _____
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

LASKA SCHOENFELDER, Commissioner