BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED BY FAIRY GARDNER, WITTEN, SOUTH DAKOTA, AGAINST EXCEL TELECOMMUNICATIONS, INC. REGARDING UNAUTHORIZED SWITCHING OF SERVICES AND BILLING FOR SERVICES	)	ORDER DISMISSING COMPLAINT AND CLOSING DOCKET CT00-079

On June 22, 2000, the Public Utilities Commission (Commission) received a complaint filed by Fairy Gardner, Witten, South Dakota (Complainant), against Excel Telecommunications, Inc. (Excel) regarding unauthorized switching of services and billing for services.

On June 22, 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 July 12, 2000. The Commission has not received an answer from Excel to this complaint. Commission Staff received word from the Complainant stating that the complaint against Excel had been resolved.

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 August 9, 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 16th day of August, 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: Delaine Kolbo

Date: 8/17/00

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg

JAMES A. BURG, Chairman

Pam Nelson

PAM NELSON, Commissioner

Laska Schoenfelder

LASKA SCHOENFELDER, Commissioner