

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

IN THE MATTER OF THE COMPLAINT FILED) BY BANNER ASSOCIATES, INC.,) BROOKINGS, SOUTH DAKOTA, AGAINST) NOS COMMUNICATIONS, INC. REGARDING) BILLING ISSUES)	ORDER FINDING PROBABLE CAUSE AND NOTICE REQUIRING ANSWER CT00-008
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On December 30, 1999, the Public Utilities Commission (Commission) received a complaint filed by Banner Associates, Inc., Brookings, South Dakota (Complainant), against NOS Communications, Inc. (NOS). The Complainant alleges that it was billed for long distance service at a rate different from the rate represented by a salesperson.

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 January 18, 2000, at a duly noticed meeting, the Complainant and NOS appeared via teleconference and the Commission considered this matter and determined that there was probable cause that an unlawful or unreasonable act, rate, practice or omission was committed by NOS. Commission Staff recommended a finding of probable cause.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13 and 49-31. 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 the complaint shall be forwarded to NOS and NOS 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 26th day of January, 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>Dellaine Kalbo</i></u>
Date: <u>1/26/00</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