

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

IN THE MATTER OF THE COMPLAINT FILED )	ORDER CANCELLING
BY RHONDA BENDEL, WATERTOWN, SOUTH )	HEARING, DISMISSING
DAKOTA, AGAINST OLS, INC. REGARDING )	COMPLAINT AND CLOSING
UNAUTHORIZED SWITCHING OF SERVICES )	DOCKET
)	CT00-028

On January 25, 2000, the Public Utilities Commission (Commission) received a complaint filed by Rhonda Bendel, Watertown, South Dakota (Complainant), against OLS, Inc. (OLS) regarding alleged unauthorized switching of services. The Complainant requests fines to be imposed and reimbursement of charges.

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 February 15, 2000, at a duly noticed meeting, Commission Staff recommended a finding of probable cause due to unresolved factual issues. The Commission voted unanimously to find probable cause.

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.

By order dated March 14, 2000, a hearing was scheduled for May 4, 2000, in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota, immediately following the hearings for Dockets CT99-063, CT00-010 and CT00-034. Docket CT99-063 is scheduled to begin at 1:00 o'clock P.M. Commission Staff was contacted by Complainant who informed the Staff that settlement had been reached in this matter and she wished to have her complaint dismissed, so therefore the hearing is cancelled.

On March 28, 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 hearing scheduled for May 4, 2000, is cancelled and this complaint shall be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 31<sup>st</sup> day of March, 2000.

<b>CERTIFICATE OF SERVICE</b>
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>Arlene Kelbo</i></u>
Date: <u>4/3/00</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