

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

IN THE MATTER OF THE COMPLAINT FILED )	ORDER FINDING
BY MARVIE TSCHETTER ON BEHALF OF )	PROBABLE CAUSE AND
BASEC.NET, HURON, SOUTH DAKOTA, )	NOTICE REQUIRING
AGAINST FIRSHEL, INC. REGARDING A )	ANSWER
BILLING DISPUTE AND THE DELAYED )	CT00-043
RELEASE OF SERVICE )	

On February 29, 2000, the Public Utilities Commission (Commission) received a complaint filed by Marvie Tschetter on behalf of Basec.Net, Huron, South Dakota (Complainant), against FirsTel, Inc. (FirsTel) regarding the delayed release of service and billing disputes. Complainant requests that her telephone numbers be reactivated and released, that the Basec.Net account be terminated and zeroed out with FirsTel upon release of the numbers and that there be a complete audit of the account.

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 FirsTel and FirsTel 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 20<sup>th</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>Debra Kaelbo</u>
Date: <u>3/21/00</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