

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER DISMISSING )</b>
<b>BY DONALD L. BEANER, PARKER, SOUTH )</b>	<b>COMPLAINT AND CLOSING )</b>
<b>DAKOTA, AGAINST EXCEL )</b>	<b>DOCKET )</b>
<b>TELECOMMUNICATIONS, INC., )</b>	
<b>MCIWORLDCOM AND SIOUX VALLEY )</b>	<b>CT02-009 )</b>
<b>TELEPHONE COMPANY REGARDING )</b>	
<b>UNAUTHORIZED BILLING FOR SERVICES )</b>	
<b>AND FAILURE TO SWITCH PROVIDERS )</b>	

On March 11, 2002, the Public Utilities Commission (Commission) received a complaint filed by Donald L. Beaner, Parker, South Dakota (Complainant), against Excel Telecommunications, Inc. (Excel), MCIWorldCom (MCI) and Sioux Valley Telephone Company (Sioux Valley) regarding unauthorized billing for services and failure to switch providers.

On March 18, 2002, the complaint was faxed to Excel, MCI and Sioux Valley. Pursuant to ARSD 20:10:01:09, Excel, MCI and Sioux Valley were notified that they must satisfy the complaint or file answers in writing with the Commission by April 8, 2002. On April 4, 2002, the Commission received an answer and motion to dismiss from MCI. On April 5, 2002, the Commission received a letter response from Excel. The Commission has not received an answer from Sioux Valley to this complaint. Commission Staff was informed that settlement had been reached in this matter.

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 April 17, 2002, 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 19<sup>th</sup> day of April, 2002.

<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>Melaine Kallos</u>
Date: <u>4/23/02</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner

Robert K. Sahr  
ROBERT K. SAHR, Commissioner