

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

<b>IN THE MATTER OF THE COMPLAINT FILED</b>	)	<b>ORDER GRANTING MOTION</b>
<b>BY MARY S. HANSON, SIOUX FALLS, SOUTH</b>	)	<b>TO DISMISS; ORDER</b>
<b>DAKOTA, AGAINST BUDGET CALL LONG</b>	)	<b>DISMISSING COMPLAINT</b>
<b>DISTANCE, INC. REGARDING</b>	)	<b>AND CLOSING DOCKET</b>
<b>UNAUTHORIZED SWITCHING OF SERVICES</b>	)	<b>CT03-148</b>

On September 19, 2003, the Public Utilities Commission (Commission) received a complaint filed by Mary S. Hanson, Sioux Falls, South Dakota (Complainant), against Budget Call Long Distance, Inc. (Budget Call) regarding unauthorized switching of services.

On September 23, 2003, the complaint was faxed to Budget Call. Pursuant to ARSD 20:10:01:09, Budget Call was notified that it must satisfy the complaint or file an answer in writing with the Commission by October 13, 2003. On October 13, 2003, the Commission received a letter response from Budget Call. On November 26, 2003, the Commission received a motion to dismiss from Budget Call.

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 December 16, 2003, at a regularly scheduled meeting, the Commission considered this matter. Staff advised the Commission that Complainant verbally agreed to dismiss the complaint. The Commission voted to grant the motion to dismiss, to dismiss the complaint and close the docket. It is therefore

ORDERED, that Budget Call's motion to dismiss shall be granted, the complaint shall be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 22<sup>nd</sup> day of December, 2003.

<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 Kolbo</u>
Date: <u>12/23/03</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr  
ROBERT K. SAHR, Chairman

Gary Hanson  
GARY HANSON, Commissioner

James A. Burg  
JAMES A. BURG, Commissioner