

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

IN THE MATTER OF THE COMPLAINT)
FILED BY TEL-SAVE, INC. AGAINST U S)
WEST COMMUNICATIONS, INC.)
REGARDING VIOLATION OF SECTIONS)
201(b) AND 202 OF THE)
COMMUNICATIONS ACT OF 1934, AS)
AMENDED, AND VIOLATION OF SDCL 49-)
31-11)

**ORDER DISMISSING
COMPLAINT AND CLOSING
DOCKET**

TC98-127

On July 6, 1998, the Public Utilities Commission (Commission) received a complaint from Tel-Save, Inc. (TSI) against U S WEST Communications, Inc. (U S WEST) regarding a violation of Sections 201(b) and 202 of the Communications Act of 1934, as amended, and a violation of SDCL 49-31-11. TSI requests that the Commission order U S WEST to cease and desist from imposing unreasonable requirements on lifting of customer PIC freezes, requiring that U S WEST accept e-mailed requests to lift PIC freezes, both directly from end-user customers and as forwarded by TSI; and providing such other and further relief as the Commission deems necessary and appropriate.

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 July 23, 1998, at its duly noticed meeting, the Commission deferred the complaint at the parties' request as the parties had entered into discussions with regard to the issues raised in the complaint. At its regularly scheduled meeting of August 18, 1998, the Commission again considered the matter. U S WEST stated that at this time it does not provide subscribers their choice of an intraLATA presubscribed carrier.

The Commission has jurisdiction over this matter pursuant to SDCL 49-13-1, 49-13-4, 49-31-7, 49-31-7.1, and ARSD 20:10:01:07.01 and 20:10:01:08.01. Since there is no intraLATA presubscription in U S WEST's local exchange areas at this time, the Commission unanimously voted to dismiss the complaint and to close the docket. It is therefore

ORDERED, that this complaint be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 25th day of August, 1998.

CERTIFICATE OF SERVICE	
<small>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.</small>	
By:	<u><i>Delmar Kaelo</i></u>
Date:	<u>8/25/98</u>
<small>(OFFICIAL SEAL)</small>	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner