

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING
BY JOHN R. STEELE, PLANKINTON, SOUTH)	COMPLAINT AND CLOSING
DAKOTA, AGAINST MCI)	DOCKET
TELECOMMUNICATIONS CORPORATION)	
REGARDING FRAUDULENT MARKETING)	TC98-175
PRACTICES)	

On September 14, 1998, the Public Utilities Commission (Commission) received a complaint by John R. Steele, Plankinton, South Dakota (Complainant), against MCI Telecommunications Corporation (MCI), regarding fraudulent marketing practices. Complainant alleges that actual rates charged by MCI were higher than rates promised for intrastate and interstate long distance calls. Complainant is requesting that MCI honor a \$.12 per minute rate along with a 20 percent rebate at the end of the first year, or that MCI switch his service back to DTG and rerate his current bill at the promised rate.

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 October 20, 1998, at its duly noticed meeting, the Commission heard the complaint by Mr. Steele and the response of MCI. The matter was deferred at that time. At its regularly scheduled meeting of December 7, 1998, the Commission reviewed the complaint. MCI and Commission staff represented to the Commission that the complainant had indicated to staff that accord had been reached with MCI. Based upon this communication from the complainant, Commission Staff recommended that the complaint be dismissed and the docket closed.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 49-13 and 49-31 and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission voted unanimously to dismiss the complaint and close the docket, it is therefore

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

Dated at Pierre, South Dakota, this 11th day of December, 1998.

CERTIFICATE OF SERVICE
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>Melanie Kelbo</i></u>
Date: <u>12/11/98</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