

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING
BY DONNA BEITELSPACHER, WEBSTER,)	COMPLAINT AND CLOSING
SOUTH DAKOTA, AGAINST BUYERS UNITED)	DOCKET
REGARDING UNAUTHORIZED BILLING)	TC98-188

On October 1, 1998, the Public Utilities Commission (Commission) received a complaint by Donna Beitelspacher, Webster, South Dakota (Complainant), against Buyers United. The complainant claims that she was billed by ITC and Buyers United for the same calls. The complainant states, "more than once, I discussed this by phone with representatives of Buyers United. Several months ago, I received a billing from a collection agency. I responded telling them that I had evidence that the calls had been paid through ITC." The complainant seeks the following relief: "I would ask that the PUC determine which company had the rightful claim to the payments, and that all collection claims be ended. I further would ask that records of this be removed from my credit record. Also, I do not feel that I should be assessed attorney/collection costs."

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 November 25, 1998, at its duly noticed meeting, the Commission reviewed the complaint. Commission staff represented to the Commission that the complainant, before the meeting, had indicated to staff that accord had been reached with Buyers United. 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 4th day of December, 1998.

<p>CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u>Alaine Kelbo</u></p> <p>Date: <u>12/8/98</u></p> <p align="center">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner