BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED BY LOWN HOUSE RESTAURANT, SPEARFISH, SOUTH DAKOTA, AGAINST AT&T COMMUNICATIONS OF THE MIDWEST, INC. AND FIRSTEL, INC. REGARDING CUSTOMER SERVICE ISSUES	**))))))**	**ORDER DISMISSING COMPLAINT AND CLOSING THE DOCKET** **TC98-149**

On August 27, 1998, the Public Utilities Commission (Commission) received a complaint filed by Lown House Restaurant, Spearfish, South Dakota (Complainant), against AT&T Communications of the Midwest, Inc. (AT&T) and FirsTel, Inc (FirsTel). Complainant alleges a variety of customer service issues against AT&T and FirsTel. The Complainant is requesting that it be reimbursed for its business losses in the $8,000 to $9,000 range.

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 September 23, 1998, the Commission considered this matter. It was deferred so that the parties could submit additional information. On October 15, 1998, at a duly noticed meeting, the Commission again heard from the parties. Commission Staff recommended a finding of probable cause. The Commission found that there was probable cause of an unlawful or unreasonable act, rate, practice, or omission and ordered that the complaint be forwarded to AT&T and FirsTel and AT&T and FirsTel file with the Commission its answer in writing within twenty (20) days of service of this order. FirsTel filed its answer on November 16, 1998, and AT&T filed its answer on November 17, 1998. At its regularly scheduled August 17, 1999, meeting, Commission Staff informed the Commission that the Complainant had settled the matter with all parties and wished to have the matter dismissed.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-13-1, 49- 13-4, 49-13-13, 49-13-14.1, 49-31-3, 49-31-7, 49-31-7.1, 49-31-11, 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 _____ day of August, 1999.

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:_____ Date:_____ (OFFICIAL SEAL)	BY ORDER OF THE COMMISSION: _____ JAMES A. BURG, Chairman _____ PAM NELSON, Commissioner _____ LASKA SCHOENFELDER, Commissioner