

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

IN THE MATTER OF ACCUTEL) ORDER DISMISSING AND
COMMUNICATIONS, INC.'S FAILURE TO) CLOSING DOCKET
SUBMIT A REPORT AND PAY THE GROSS)
RECEIPTS TAX) TC99-127

On March 9, 2000, the Public Utilities Commission (Commission) issued an Order for and Notice of Show Cause Hearing against Accutel Communications, Inc. (Accutel) for failure to submit an annual report and pay the gross receipts tax. The hearing was held as scheduled on March 28, 2000. The reason for the hearing was to give Accutel an opportunity to show cause why the Commission should not revoke its Certificate of Authority, or other specified actions, for failure to pay the gross receipts tax as required by SDCL 49-1A-3. Commissioners Nelson and Schoenfelder were present. Also present were Camron Hoseck, Commission Staff Attorney, and Sue Cichos, Business Manager for the Commission. No representative of Accutel appeared at the hearing. After hearing the testimony, the Commission voted 2-0 to suspend Accutel's Certificate of Authority for failure to pay the gross receipts tax. (Commissioner Burg was not present for the hearing.) The Commission further ordered Accutel to provide the Commission with a complete list of its current South Dakota subscribers, including the subscribers' billing addresses. The Commission never received Accutel's list of current South Dakota subscribers. On November 1, 2000, the Commission revoked Accutel's certificate of authority for failure to pay its gross receipts tax for 1999. (See Docket TC00-147) It was recommended to the Commission that Docket TC99-127 be closed and dismissed based upon the action taken in Docket TC00-147.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-1A, 49-31, specifically 49-1A-3, 49-1A-4, 49-1A-5, 49-1A-6, 49-31-3, and 49-31-89 through 49-31-97, inclusive. Due to the action taken in Docket TC00-147, the Commission voted to dismiss and close the docket. It is therefore

ORDERED, that the docket shall be dismissed and closed.

Dated at Pierre, South Dakota, this 9th day of November, 2000.

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>Alaine Kaelbo</u>
Date: <u>11/14/00</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