

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

<b>IN THE MATTER OF AN ORDER TO SHOW )</b>	<b>ORDER APPROVING</b>
<b>CAUSE AS TO WHY TO OCMC, INC. SHOULD )</b>	<b>SETTLEMENT AGREEMENT</b>
<b>NOT BE FOUND TO BE IN VIOLATION OF THE )</b>	
<b>LAWS AND REGULATIONS OF THE STATE )</b>	<b>TC03-067</b>
<b>OF SOUTH DAKOTA )</b>	

On March 28, 2003, Staff filed a motion requesting that the Public Utilities Commission (Commission) issue an Order To Show Cause to OCMC, Inc. d/b/a One Call Communications, Inc., OPTICOM, AdvantTel, LiveTel, SuperTel, RegionalTel, and 1-800-MAX-SAVE (Opticom). Staff requested that the Commission issue an Order To Show Cause to hear arguments from Staff and the company on whether the Commission shall commence proceedings in accordance with ARSD 20:10:24:04.04. Staff is seeking a suspension or revocation of the certificate of authority transferred to Opticom in TC02-046. According to the motion, Opticom, inter alia, has failed to provide consumers the ability to determine rates in advance of accepting collect phone calls in violation of its tariff and failed to update its tariff pursuant to a Commission Order. The motion also alleges that Opticom, by using numbers such as 1-800-CALL-AAT and 1-800-COOLECT, is attempting to take advantage of mistakes by consumers attempting to use other collect phone call services and is billing rates that could exceed \$30.00 for a one-minute call. At its April 15, 2003, meeting the Commission considered the motion and voted unanimously to issue an order to show cause and to open a docket for consideration of the above issues.

On April 17, 2003, the Commission electronically transmitted notice of the filing to interested individuals and entities. On August 19, 2003, Commission Staff recommended scheduling a hearing in this matter.

At a regularly scheduled August 19, 2003, meeting, the Commission considered this matter. The Commission voted unanimously to schedule a hearing in this docket.

On September 15, 2003, the Commission received a settlement agreement which had been signed by OCMC and Commission Staff.

The Commission has jurisdiction over this matter pursuant to SDCL 49-13-1, 49-13-1.1, 49-13-4, 49-13-13, 49-31-3 and 49-31-7.1 and ARSD 20:10:24:04.02 and 20:10:01:45.

At a regularly scheduled November 4, 2003, meeting, the Commission considered this matter. After discussion, staff and OCMC, through attorney Brett Koenecke, recommended that the Commission approve the agreement with the amendment that OCMC shall reimburse the consumers directly and not the Commission. The Commission voted unanimously to approve the settlement agreement with the amendment that OCMC shall reimburse the consumers the sum of \$316.41 directly and not through the Commission. It is therefore

ORDERED, that the settlement agreement shall be approved, as amended, and is incorporated in this order by reference.

Dated at Pierre, South Dakota, this 14th day of November, 2003.

**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:

*Waldine Kaabo*

Date:

*11/14/03*

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*Robert K. Sahr*

ROBERT K. SAHR, Chairman *dk*

*Gary Hanson*

GARY HANSON, Commissioner

*James A. Burg*

JAMES A. BURG, Commissioner