

TC99-107

CH/KC/LH

TC99-107

DOCKET NO.

In the Matter of **IN THE MATTER OF THE**
 CONSIDERATION OF THE
 ASSESSMENT OF FINES AND OTHER
 PENALTIES AGAINST WESTERN
 TELECOM

IN THE MATTER OF THE
CONSIDERATION OF THE
ASSESSMENT OF FINES AND OTHER
PENALTIES AGAINST TOUCHTONE
COMMUNICATIONS

Public Utilities Commission of the State of South Dakota

DATE	MEMORANDA
11/22/99	Orders to Show Cause and Orders to Produce Lists of Customers,
11/24/99	Weekly Trip;
12/6/99	List of Customers Submitted by Western Telecom;
1/25/00	Motion for Continuance;
1/25/00	Motion for Continuance and Joinder in Staff's Motion for ^{Continuance} ;
2/1/00	Order Concerning Hearing and Wanting Continuance;
6/1/00	Request for Notice of Proceedings to Gary Reister;
6/6/00	Stare Order for and Notice of Hearing;
7/11/00	Order Continuing Hearing;
12/11/00	Agreement Regarding Orders to Show Cause Against Western Telecom ^{and Inclusive to my} Western Telecom ^{Questions Comm.}
1/2/01	Order Approaching Agreement Regarding Orders to Show Cause Against
1/2/01	Docket Closed

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

IN THE MATTER OF THE CONSIDERATION OF)	
THE ASSESSMENT OF FINES AND OTHER	)	ORDERS TO SHOW CAUSE
PENALTIES AGAINST WESTERN TELECOM	)	AND ORDERS TO PRODUCE
	)	LISTS OF CUSTOMERS
IN THE MATTER OF THE CONSIDERATION OF)	
THE ASSESSMENT OF FINES AND OTHER	)	TC99-107
PENALTIES AGAINST TOUCHTONE)	
COMMUNICATIONS)	

At its November 15, 1999, meeting, the Public Utilities Commission (Commission) unanimously voted to issue Orders to Show Cause against Western Telecom and Touchtone Communications as to why Western Telecom and Touchtone Communications should not be assessed civil fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 or assessed civil fines of not more than \$20,000 for each alleged violation of SDCL 49-31-89 to 49-31-97, inclusive and ARSD Chapter 20:10:34 pursuant to SDCL 49-31-94. The Commission also unanimously voted to order Western Telecom and Touchtone Communications to provide the Commission with a complete list of their current South Dakota subscribers, including the subscribers' billing addresses pursuant to SDCL 49-31-95. Since January 1, 1999, the Commission has received 29 formal and informal complaints against Touchtone Communications and 11 formal and informal complaints against Western Telecom alleging unauthorized billing of services or products.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 49-13 and 49-31, specifically 49-13-1 to 49-13-16, inclusive, 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-7.3, 49-31-7.4, 49-31-10, 49-31-11, 49-31-38 to 49-31-38.3, inclusive, 49-31-89 to 49-31-97, inclusive, and ARSD Chapter 20:10:34.

The Commission recites the following in support of its Orders to Show Cause:

1. The Commission has received 11 formal and informal complaints against Western Telecom since January 1, 1999.
2. The formal complaints filed against Western Telecom are as follows:
 - a. *In the Matter of the Complaint filed by Rosella Lee, Arlington, South Dakota, Against Western Telecom Regarding Unauthorized Billing for Services, Docket CT99-034 (attached as Exhibit 1).* Ms. Lee stated that she was billed for services she did not authorize. This complaint was dismissed and closed when Western Telecom sent Ms. Lee a check to cover the charges billed by Western Telecom;
 - b. *In the Matter of the Complaint Filed by Bryan and Natalie Parks, Rapid City, South Dakota, Against Western Telecom Regarding Unauthorized Billing for Services, Docket CT99-021 (attached as Exhibit 2).* Ms. Parks stated that she had received a call from Western Telecom in May of 1999, concerning long distance services. She stated she was not interested but nonetheless was billed \$39.99 by Western Telecom for a phone card she never received or requested. This complaint was dismissed and closed when Western Telecom sent the Parks a check for the charges placed on their telephone bill;

c. *In the Matter of the Complaint filed by Ernst Hamann for Evelyn Weaver, Pierre, South Dakota, Against Western Telecom Regarding Unauthorized Billing for Services*, Docket CT99-024 (attached as Exhibit 3). Mr. Hamann stated that he did not authorize any services from Western Telecom. A hearing was held on this complaint on September 23, 1999. No representatives of Western Telecom appeared. By order dated November 15, 1999, the Commission found Western Telecom had billed Mr. Hamann for unauthorized services and ordered Western Telecom to pay \$153.00 in damages and \$1000.00 pursuant to SDCL 49-31-93.

3. Eight informal complaints have been filed against Western Telecom (attached as Exhibit 4). The complainants alleged Western Telecom had switched their service without authorization or that they were billed for unauthorized services.

4. The Commission has received 29 formal and informal complaints against Touchtone Communications since January 1, 1999.

5. The formal complaints filed against Touchtone Communications are as follows:

a. *In the Matter of the Complaint Filed by Harry and Margaret Putnam, Rapid City, South Dakota, Against Touchtone Communications Regarding Unauthorized Billing for Services*, Docket CT99-030 (attached as Exhibit 5). The Putnams stated that they did not order any services from Touchtone Communications but received a charge for services on their U S WEST bill. The docket was dismissed and closed after the Putnams were credited for the unauthorized charges by Western Telecom;

b. *In the Matter of the Complaint Filed by Thelma "Sally" Fox, Huron, South Dakota, Against Touchtone Communications Regarding Unauthorized Billing for Services and Lack of a Certificate of Authority*, Docket CT99-009 (attached as Exhibit 6). Ms. Fox stated she was billed for services she did not authorize. The docket was dismissed and closed after Ms. Fox was sent a check for the charges from Western Telecom.

6. Twenty-seven informal complaints have been filed against Touchtone Communications (attached as Exhibit 7). The complainants stated that they had received charges from Touchtone Communications that they did not authorize.

7. Based on information received in the dockets on file with the Commission, there appears to be a close business relationship between Western Telecom and Touchtone Communications. On one bill received by a complainant the following statement is made: "Our Name Has Changed! Touchtone has been purchased by Western Telecom, a division of Tradex International, Inc. Soon you will notice a change in the logo, but the great service and great long distance rates that you expect from Touchtone will remain the same." (Attached as Exhibit 8.) In a letter from Western Telecom received in Docket CT99-021, Western Telecom states that Touchtone Communications is a "product" of Western Telecom. (Attached as Exhibit 9.) In Docket CT99-009, a complaint filed against Touchtone Communications, a copy of a check sent to the complainant states that acceptance of the check will be considered "as full payment for all claims against Western Telecom." (Attached as Exhibit 10.) A letter from Western Telecom states that Western Telecom and Touchtone Communications had a contract relationship that began June 19, 1998, and terminated April 18, 1999. (Attached as Exhibit 11.) In Docket CT99-021, the complainants' June, 1999, telephone bill listed a charge from Western Telecom but a subsequent billing had the logo of Touchtone Communications. (Attached as Exhibit 12.) Given this close relationship between the two companies, the Commission is consolidating these orders to show cause in one docket.

8. The Commission is unaware of any certificate of authorities issued to either Touchtone Communications or Western Telecom.

9. Pursuant to SDCL 49-31-3, the offering of telecommunications services without a certificate of authority is a Class 1 misdemeanor.

10. Pursuant to SDCL 49-31-89, products or services may not be listed on a subscriber's bill unless authorized by the subscriber and the telecommunications company of a subscriber may not be changed without the subscriber's authorization.

11. Pursuant to SDCL 49-31-93, a company that initiates the unauthorized change of a subscriber's telecommunications company or bills for unauthorized products or services shall pay the subscriber \$1000.00.

12. Pursuant to SDCL 49-31-94, the Commission may impose a civil fine of not more than \$20,000.00 for a violation of SDCL 49-31-89 to 49-31-97, inclusive, or any rules promulgated pursuant to those statutes. SDCL 49-31-94 states that "[i]n determining the amount of the penalty upon finding a violation, or the amount of the compromise settlement, the commission shall consider the appropriateness of the penalty to the size of the business of the person charged, prior offenses and compliance history, the good faith of the person charged in attempting to achieve compliance, and such other matters as justice may require."

13. Pursuant to SDCL 49-31-38, the Commission may impose a civil fine of \$200.00 to \$1000.00 for violation of statutes or lawful orders or rules.

14. Pursuant to SDCL 49-31-38.1, the Commission may impose a civil fine of \$500.00 to \$5000.00 for intentional violation of a statute.

15. Pursuant to SDCL 49-31-38.2, a corporation may forfeit all rights and privileges to transact its business within this state if the corporation willfully continues to neglect or refuse to comply with statutes, orders, or rules of the Commission.

16. Pursuant to SDCL 49-31-95, the Commission may require a company to provide the Commission with a complete list of its current subscribers, including the subscribers' billing addresses if the Commission receives more than two complaints within thirty days regarding violations of SDCL 49-31-89. The Commission has received more than two complaints within thirty days against Western Telecom for violations of SDCL 49-31-89. (See attached Exhibit 4.) The Commission has received more than two complaints within thirty days against Touchtone Communications for violations of SDCL 49-31-89. (See attached Exhibit 7.)

NOW THEREFORE, the Commission orders Western Telecom to appear before it on February 1, 2000, beginning at 9:00 a.m., at the Chamber of Commerce Meeting Room, 800 W. Dakota Ave., Pierre, South Dakota, and show cause why Western Telecom shall not be assessed civil fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 and/or assessed a civil fine of not more than \$20,000 for each alleged violation of SDCL 49-31-89 to 49-31-97, inclusive, and ARSD Chapter 20:10:34 or other penalties.

NOW THEREFORE, the Commission orders Touchtone Communications to appear before it on February 1, 2000, beginning at 9:00 a.m., at the Chamber of Commerce Meeting Room, 800 W. Dakota Ave., Pierre, South Dakota, and show cause why Touchtone Communications shall not

be assessed civil fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 and/or assessed a civil fine of not more than \$20,000 for each alleged violation of SDCL 49-31-89 to 49-31-97, inclusive, and ARSD Chapter 20:10:34 or other penalties.

The Commission also orders Western Telecom and Touchtone Communications to provide the Commission with a complete list of their current South Dakota subscribers, including the subscribers' billing addresses pursuant to SDCL 49-31-95 on or before December 7, 1999.

The issues at the hearing are: a) whether Western Telecom shall be assessed civil fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 or assessed a civil fine of not more than \$20,000 for each alleged violation of SDCL 49-31-89 to 49-31-97, inclusive, and ARSD Chapter 20:10:34 or other penalties; b) whether Touchtone Communications shall be assessed civil fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 and/or assessed a civil fine of not more than \$20,000 for each alleged violation of SDCL 49-31-89 to 49-31-97, inclusive, and ARSD Chapter 20:10:34 or other penalties. All persons testifying shall be subject to cross examination.

The show cause hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission shall determine: a) whether Western Telecom shall be assessed civil fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 and/or assessed a civil fine of not more than \$20,000 for each alleged violation of SDCL 49-31-89 to 49-31-97, inclusive, and ARSD Chapter 20:10:34 or other penalties; b) whether Touchtone Communications shall be assessed civil fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 and/or assessed a civil fine of not more than \$20,000 for each alleged violation of SDCL 49-31-89 to 49-31-97, inclusive, and ARSD Chapter 20:10:34 or other penalties. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that a hearing shall be held at the time and place specified above on the issues of a) whether Western Telecom shall be assessed civil fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 and/or assessed a civil fine of not more than \$20,000 for each alleged violation of SDCL 49-31-89 to 49-31-97, inclusive, and ARSD Chapter 20:10:34 or other penalties; b) whether Touchtone Communications shall be assessed civil fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 and/or assessed a civil fine of not more than \$20,000 for each alleged violation of SDCL 49-31-89 to 49-31-97, inclusive, and ARSD Chapter 20:10:34 or other penalties; and it is

FURTHER ORDERED, that Western Telecom and Touchtone Communications shall provide the Commission with a complete list of their current South Dakota subscribers, including the subscribers' billing addresses pursuant to SDCL 49-31-95 on or before December 7, 1999.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 22nd day of November, 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

Aldine Kalbo

Date

11/22/99

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA
500 E Capitol, State Capitol Building, Pierre SD 57501

RECEIVED
CT 99-034
AUG 12 1999

COMPLAINT

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Complainant(s) Person(s) filing the complaint		Respondent(s) Person(s) or company complained against	
Name	Rosella Lee	Contact Person	
Address	206 East Hsh St. Apt 4	Utility Company	Western Telecom
City, State, Zip	Hrington, S. Dak 57212-2112	Address	Pro. Box 84993
Home Phone	1-605-983-5042	City, State, Zip	Seattle, Wa. 98124-6293
Work Phone		Phone	1-888-814-2566
Cellular Phone		Cellular Phone	
Fax #		Fax #	813-908-0461

If the Complainant is represented by an attorney, please list the attorney's name, address, telephone number and fax number below: (If Complainant is not represented by an attorney, please leave blank.)

These are the facts giving rise to my complaint:

When I received my telephone bill in April, there was a bill for a telephone card from National Billing Exchange, Inc. 1-800-879-4294 and I had never heard or know anything about them. I try phoning that number and it was no longer in service or was busy so I could never talk to them. I never got a bill from Telecommunications 1810 Westlake Ave. N. Suite 301 for \$24.69 and in July one for \$49.38. I called them, 98109 that was plus the phone card (which I never received) on bill for \$39.59 on every phone bill since and it will be that way till I get this problem solved and I pray you can help me. It doesn't make sense to me to sent a person that type of a bill and not paying it. On my phone bill every month I have to subtract that phone card bill and pay the bill same. On enclosing the letter I sent them with their bill and I haven't heard from them this month yet, but it is early too. I don't appreciate being harassed any time and especially when it seems they want money from you.

EXHIBIT 1

RESOLUTION REQUEST

I ask that the Public Utilities Commission grant the following remedy. (What do you think the Commission should do to solve this problem? Be specific in your request for a resolution.)

I request that the Company will be out of business real soon, picking on older people thinking we would be dumb enough to pay the bills and add a phone card bill on my telephone bill every month of \$39.75.

I think that Co. should pay me and all the other people they have harassed in the past months \$1,000 and then leave us alone. It is very upsetting getting bills like that that I never order and have no intention of having a phone card ever.

But there is a Co. like that out of business as soon as possible so they don't take advantage of any more people and try to get money out of them.

Pray that you will get this settled real soon so I can get on with my life.

NOTE: Please attach any additional pages if necessary.

AFFIRMATION STATEMENT

I hereby affirm that these statements are true and accurate to the best of my knowledge.

Russell M. Lee
Complainant's Signature

Aug. 11, 1999
Date

South Dakota Public Utilities Commission

WEEKLY FILINGS

For the Period of August 12, 1999 through August 18, 1999

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five business days of this filing. Phone: 605-773-3705 Fax: 605-773-3809

CONSUMER COMPLAINTS

CT99-028 In the Matter of the Complaint filed by Hampton Inn/Super 8 Motel, North Sioux City, South Dakota, against U S WEST Communications, Inc. Regarding Delay of Service and Billing Problems.

The Complainant alleges that installation of service for 12 lines to the Hampton Inn was delayed. The Hampton Inn was not informed of the delay until the day before the scheduled business opening. The Complainant further alleges that U S WEST Communications sent two billings for the same lines. The Complainant is seeking punitive damages, a credit of charges, and a commitment for customer care.

Staff Analyst: Leni Healy
Staff Attorney: Camron Hoseck
Date Filed: 08/09/99
Intervention Date: NA

CT99-029 In the Matter of the Complaint filed by Maria R. Baus, Volin, South Dakota, against Excel Telecommunications, Inc. Regarding Unauthorized Switching of Services.

The Complainant states that she is a customer of DTG and WorldCom. The Complainant claims that Excel Telecommunications billed her for services after WorldCom had been authorized as the chosen carrier. The Complainant is seeking a credit of the charges and penalties.

Staff Analyst: Leni Healy
Staff Attorney: Camron Hoseck
Date Filed: 08/09/99
Intervention Date: NA

CT99-030 In the Matter of the Complaint filed by Harry and Margaret Putnam, Rapid City, South Dakota, against Touchtone Communications Regarding Unauthorized Billing for Services.

The Complainants claim that they were billed for services which were not authorized. The Complainants have been unsuccessful in reaching a resolution with Touchtone Communications and are seeking assistance through the Public Utilities Commission.

Staff Analyst: Leni Healy
Staff Attorney: Camron Hoseck
Date Filed: 08/10/99
Intervention Deadline: NA

CT99-031 In the Matter of the Complaint filed by Douglas Holler, Pierpont, South Dakota, against MCI WorldCom Regarding Billing Errors.

The Complainant claims that he attempted to switch two telephone numbers to AT&T from MCI. Only one number was released. MCI continued to bill for the second number. The Complainant is seeking reimbursement and an admission of guilt from MCI.

Staff Analyst: Leni Healy
Staff Attorney: Camron Hoseck
Date Filed: 08/11/99
Intervention Date: NA

CT99-032 In the Matter of the Complaint filed by William and Eileen Reidy, Sioux Falls, South Dakota, against Sprint Communications Company L.P. Regarding Unauthorized Switching of Services.

The Complainants allege that their long distance service was switched to Sprint without authorization. The Complainants are seeking \$1000 in damages and the levying of fines on Sprint.

Staff Analyst: Leni Healy
Staff Attorney: Camron Hoseck
Date Filed: 08/11/99
Intervention Date: NA

CT99-033 In the Matter of the Complaint filed by Susan Trudel, Webster, South Dakota, against MCI WorldCom Regarding Unauthorized Switching of Services.

The Complainant claims that she declined the long distance services offered by a telemarketer. Her services were switched without authorization. After contact with MCI WorldCom, the Complainant's account was credited; however, billing continued. The Complainant wants measures to be taken to insure that service is not changed without authorization.

Staff Analyst: Leni Healy
Staff Attorney: Karen Cremer
Date Filed: 08/11/99
Intervention Deadline: NA

CT99-034 In the Matter of the Complaint filed by Rosella Lee, Arlington, South Dakota, against Western Telecom Regarding Unauthorized Billing for Services.

The Complainant alleges that she was billed for services she didn't request. The Complainant requests a credit of the charges and \$1000 in damages.

Staff Analyst: Leni Healy
Staff Attorney: Karen Cremer
Date Filed: 08/12/99
Intervention Deadline: NA

CT99-035 in the Matter of the Complaint filed by Greg and Karen Muellerleile dba Dakota Woodworking, Watertown, South Dakota, against U S Republic Communications Regarding Unauthorized Switching of Services.

The Complainants allege that U S Republic Communications switched their long distance service without authorization. The Complainants are seeking credit of the charges and \$1000 in damages.

Staff Analyst: Leni Healy
Staff Attorney: Karen Cremer
Date Filed: 08/13/99
Intervention Deadline: NA

CT99-036 In the Matter of the Complaint filed by Brian and Renee D. Coley dba Cambridge Gallery/Sioux Glass and Door, Sioux Falls, South Dakota, against Preferred Billing Regarding Unauthorized Switching of Services.

The Complainants claim that their long distance service was switched without authorization. The Complainants are requesting unspecified damages and credit of the charges.

Staff Analyst: Leni Healy
Staff Attorney: Karen Cremer
Date Filed: 08/16/99
Intervention Date: NA

TELECOMMUNICATIONS

TC99-086 In the Matter of the Filing by U S WEST Communications, Inc. for Approval of Agreement for Local Wireline Network Interconnection and Service Resale between DSLnet Communications, LLC and U S WEST Communications, Inc.

Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than September 8, 1999. Parties to the agreement may file written responses to the comments within twenty days of service of the comments.

Staff Attorney: Camron Hoseck
Staff Analyst: Harlan Best
Date Filed: 08/17/99
Comments due: 09/08/99

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You may subscribe or unsubscribe to the PUC mailing lists at <http://www.state.sd.us/puc/>

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

IN THE MATTER OF THE COMPLAINT FILED)
BY ROSELLA LEE, ARLINGTON, SOUTH)
DAKOTA, AGAINST WESTERN TELECOM)
REGARDING UNAUTHORIZED BILLING FOR)
SERVICES)

ORDER FINDING
PROBABLE CAUSE AND
NOTICE REQUIRING
ANSWER
CT99-034

On August 12, 1999, the Public Utilities Commission (Commission) received a complaint filed by Rosella Lee, Arlington, South Dakota (Complainant), against Western Telecom (Western), regarding alleged unauthorized charges on her long distance bill. Complainant requests that the unauthorized charges be removed from her bill.

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 August 25, 1999, at a duly noticed meeting, Commission Staff recommended a finding of probable cause due to unresolved factual issues.

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, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission voted unanimously to find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and that the complaint shall be forwarded to Western and Western shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 1st day of September, 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: Neldine Kaebo

Date: 9/2/99

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

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

IN THE MATTER OF THE COMPLAINT FILED)
BY ROSELLA LEE, ARLINGTON, SOUTH)
DAKOTA, AGAINST WESTERN TELECOM)
REGARDING UNAUTHORIZED BILLING FOR)
SERVICES)

ORDER FINDING
PROBABLE CAUSE AND
NOTICE REQUIRING
ANSWER
CT99-034

On August 12, 1999, the Public Utilities Commission (Commission) received a complaint filed by Rosella Lee, Arlington, South Dakota (Complainant), against Western Telecom (Western), regarding alleged unauthorized charges on her long distance bill. Complainant requests that the unauthorized charges be removed from her bill.

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 August 25, 1999, at a duly noticed meeting, Commission Staff recommended a finding of probable cause due to unresolved factual issues.

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, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission voted unanimously to find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and that the complaint shall be forwarded to Western and Western shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 1st day of September, 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: Neldine Kaebo

Date: 9/2/99

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner



RECEIVED
SEP 08 1999
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Public Utilities Commission of SD
State Capitol Building
500 East Capitol Avenue
Pierre, SD 57501-5070
Attention: Leni Healy

Monday, August 23, 1999

Re: Enoch Bertsch

Dear Leni Healy,

Enclosed is the letter mailed to Enoch Bertsch. As far as having a certificate of authority, myself personally won't be able to assist on that topic, but I can assure you a response can be expected shortly.

If Western Telecom can be of any future assistance please contact us at 1-888-814-2566 between 9am-5pm CST.

Sincerely,

Morgan Rucker
Consumer Complaint Department

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

IN THE MATTER OF THE COMPLAINT FILED	)	ORDER FOR AND NOTICE
BY ROSELLA LEE, ARLINGTON, SOUTH	)	OF HEARING
DAKOTA, AGAINST WESTERN TELECOM)	
REGARDING UNAUTHORIZED BILLING FOR	)	CT99-034
SERVICES)	

On August 12, 1999, the Public Utilities Commission (Commission) received a complaint filed by Rosella Lee, Arlington, South Dakota (Complainant), against Western Telecom (Western), regarding alleged unauthorized charges on her long distance bill. Complainant requests that the unauthorized charges be removed from her bill.

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 August 25, 1999, at a duly noticed meeting, Commission Staff recommended a finding of probable cause due to unresolved factual issues. The Commission voted unanimously to find probable cause and ordered that the complaint be forwarded to Western and Western should file with the Commission its answer in writing within twenty (20) days of service of the order.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive.

A hearing shall be held on October 26, 1999, beginning at 1:30 o'clock P.M., in the Huron Crossroads Hotel Meeting Room, Huron, South Dakota. All persons so testifying will be subject to cross-examination by the parties. The order of the proceeding will be in the following sequence: (1) Complainant; (2) Western; and (3) Staff.

The issue at the hearing is whether Western committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL

1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission shall determine whether Western committed an unlawful or unreasonable act, rate, practice, or omission and, if so, order any appropriate relief. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED that a hearing shall be held at the time and place specified above on the issue of whether Western committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 15th day of September, 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:	<u>Relaize Kelsch</u>
Date:	<u>9/16/99</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

CT 99-034



South Dakota PUC
500 East Capitol Ave.
Pierre, SD 57501-5070
Attention: Consumer Affairs

RECEIVED

SEP 21 1999

SOUTH DAKOTA
UTILITIES COMMISSION

September 15, 1999

Re: Ms. Rosella Lee

This customer did not authorize our service on 04/26/99 during the recorded verbal contract. But, we do not have any problem canceling the account. We have issued a credit only because there was no usage on Ms. Lee's pin number. Enclosed is the copy of the letter mailed to Ms. Rosella Lee.

If Western Telecom can be of any future assistance please contact us at 1-888-814-2566 between 9am-5pm CST.

Sincerely,

Ms. Morgan Rucker
Consumer Complaint Department



ROSELLA LEE
206 E ASH ST APT 6
ARLINGTON SD 57212

Dear Mr. or Ms. LEE

*This letter is to confirm that your cancellation request was received as of 8/5/99.
Your account, 6059835042, has been closed and no monies are owed on this account.
But please remember this is the only service where you can get 6 cents per minute
24 hours per day from any touch-tone telephone in the U.S.*

*Western Telecom would like to apologize for any inconvenience we may have caused you,
enclosed you will find a free 15 minute calling card that does not expire until November 30th.
If you have any future questions please feel free to contact us at our toll free number,
1-888-814-2566 9am-5pm CST.*

*Sincerely,
Western Telecom
Consumer Complaint Department*

Wednesday, September 15, 1999

Page 1 of 1

CT 99-034



WESTERN TELECOM
A DIVISION OF TRACER INTERNATIONAL, INC.

CORPORATE OFFICE: 701 DEXTER AVENUE N., SUITE 410
SEATTLE, WA 98109
PHONE 206.301.9009
FAX 206.301.9051

October 6, 1999

Rosella Lee
206 E Ash St. Apt 6
Arlington, SD 57212

Dear Rosella,

Thank you for your patience with Western Telecom as we searched for the best solution of removing the charge to your telephone bill. National Billing Exchange the billing company, which enables Western Telecom to place authorized charges and credits on your local telephone bill declared bankruptcy which prevented our adjusting your statement.

Please accept the enclosed check of \$ 43.91 for the charges on your telephone bill. Also included is fifteen minute complimentary calling card for your use anywhere in the continental United States.

Please accept our sincere apology for your inconvenience. If you have any further questions or concerns, please call our customer care at 888-814-2566.

Sincerely,

Brian Bowers
Retention Manager

cc: Camron Heseck
South Dakota Public Utilities Commission

Enclosures

3233 FLORIDA AVENUE, SUITE 101
KENNER, LA 70065
PHONE 504.461.4260
FAX 504.461.4278

MCI TOWER
707 17TH STREET, SUITE 2900
DENVER, CO 80202
PHONE 303.292.4345
FAX 303.292.4340

1580 MAKALOA STREET, SUITE 1250
HONOLULU, HI 96814
PHONE 808.955-9966
FAX 808.955-9966

10/06/99 WED 10:13 FAX 206 301 9051

Western Telecom

0003

TRADEX INT'L INC

TO DEXTER A. N. STELLER

BEAT 10/10/1999

10/10/1999

US BANK

10-10-1999

10/10/1999

5309

PAY TO THE
ORDER OF

Rosella Lee

\$ 43.91

Forty-Three and 91/100

DOLLARS

Rosella Lee

206 E. Ash St. Apt. 6

Arlington, SD 57212

MEMO

Accepted as full payment for all claims against Western Telecom

Julia D. Lawrence

005309 125000 105 153500 26 109

TRADEX INT'L INC

Rosella Lee

4-1000 - Income: 4-1400 - Telecommunications

customer refund for SD

10/5/1999

5309

43.91

U.S. Bank - Checking

Accepted as full payment for all claims against Western Tele

43.91



WESTERN TELECOM
A DIVISION OF TRADEX INTERNATIONAL, INC.

CORPORATE OFFICE: 701 DEXTER AVENUE N., SUITE 410
SEATTLE, WA 98109
PHONE 206.301.9009
FAX 206.301.9051

05 October 1999

VIA FAX

Mr. Camron Hoseck
South Dakota PUC
State Capital Building
500 East Capitol Avenue
Pierre, SD 57501-5070

RECEIVED

OCT 12 1999

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Dear Mr. Hoseck:

Please accept this as response to your letter dated 23 September 1999 (copy is attached).

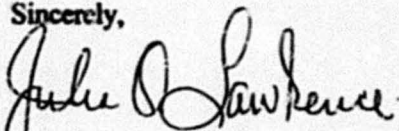
As you have suggested in previous letters, we have investigated the response and results of the five referenced complainants. We are in the process of issuing physical checks with letters of apology and will fax you copies tomorrow.

Our previous Billing Clearinghouse, NBE, should have issued credits in each case, however they have filed bankruptcy, which prevented these customers from receiving an adjustment to their phone bill. Please notify us if there is anything else that Western Telecom should do in order to stop further legal proceedings?

Western Telecom has recently received the appropriate documentation to start the process of filing for a Certificate of Authority in South Dakota and will forward a completed copy to you.

Thank you for your assistance in these matters.

Sincerely,


Julia O. Lawrence

Enclosure

Oct. 18, 1999

CT99-034

Dear Camron,

Here is the letter that you requested
me to write and tell you that I am
satisfied with the letter and check of \$43.91
from Western Telecom to settle the
inconvenience that they caused me
during the last few months with their
telephone bills with phone cards, minutes
they wanted me to pay for.

Thank you for the help you gave
me at this time.

Sincerely,

Rosella M. Lee

206 East Ark St. apt. 6

Arlington, S.D. 57212-

2112

RECEIVED

OCT 17 1999

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

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

IN THE MATTER OF THE COMPLAINT FILED) BY ROSELLA LEE, ARLINGTON, SOUTH) DAKOTA, AGAINST WESTERN TELECOM) REGARDING UNAUTHORIZED BILLING FOR) SERVICES)	ORDER CANCELLING HEARING CT99-034
--	---

On August 12, 1999, the Public Utilities Commission (Commission) received a complaint filed by Rosella Lee, Arlington, South Dakota (Complainant), against Western Telecom (Western), regarding alleged unauthorized charges on her long distance bill. Complainant requests that the unauthorized charges be removed from her bill.

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 August 25, 1999, at a duly noticed meeting, Commission Staff recommended a finding of probable cause due to unresolved factual issues. The Commission voted unanimously to find probable cause and ordered that the complaint be forwarded to Western and Western should file with the Commission its answer in writing within twenty (20) days of service of the order.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive.

By order dated September 15, 1999, a hearing was scheduled for October 26, 1999, beginning at 1:30 o'clock P.M., in the Huron Crossroads Hotel Meeting Room, Huron, South Dakota. In a letter received October 19, 1999, the Complainant stated that her complaint has been satisfactorily resolved. It is therefore

ORDERED, that the hearing scheduled for October 26, 1999, is cancelled.

Dated at Pierre, South Dakota, this 22nd day of October, 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: *Arlene Keels*

Date: 10/22/99

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING
BY ROSELL/ LEE, ARLINGTON, SOUTH)	COMPLAINT AND CLOSING
DAKOTA, AGAINST WESTERN TELECOM)	DOCKET
REGARDING UNAUTHORIZED BILLING FOR)	
SERVICES)	CT99-034

LASKA SCHOENFELDER, Commissioner

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA
500 E Capitol, State Capitol Building, Pierre SD 57501
COMPLAINT**

RECEIVED
CT 99-021
JUL 28 1999

**SOUTH DAKOTA PUBLIC
UTILITY COMMISSION**

Complainant(s) (Print or type name)		Respondent(s) (Print or type name)	
Name	Bryan Parks + Natalie Parks	Contact Person	
Address	1634 Green Valley Dr	Utility Company	Western Telecom
City, State, Zip	Rapid City, S.D. 57703	Address	PO Box 84993
Home Phone	605-393-2648	City, State, Zip	Seattle, WA 9814-693
Work Phone	605-394-2248	Phone	1-888-814-2566
Cellular Phone		Cellular Phone	
Fax #		Fax #	

If the Complainant is represented by an attorney, please list the attorney's name, address, telephone number and fax number below: (If Complainant is not represented by an attorney, please leave blank.)

These are the facts giving rise to my complaint:

Starting May 1999, I Natalie Parks, Bryan Parks wife, received a phone call about 12:30 - 1:00 pm. from a man from Western Telecom. He stated, how they could provide long distance service & more. I told him we weren't interested, and he proceeded to talk & tell me how he would send us the information. I repeatedly told him we weren't interested. He became very rude to me, so I hung up on him. In June when we received our phone bill, there was a \$39.99 charge from Western Telecom for a phone card, in which we never received (See attached phone bill). I immediately called U.S. West which was 6-14-99 asking them what this charge was. They said it was from an outside company. U.S. West took the charge off our bill. They put an expanded billing block on our phone that day 6-14-99 so this company, could not do this again. Then less than 1 week later, we got our 1st bill from Western Telecom stating we owed them \$25.00 for 285 minutes, plus \$3.95 for a service charge. I called the phone company (U.S. West) & asked them if they had ever heard of this company. They said "NO". The man from U.S. West asked if the bill was changed, I said "NO". Then he said it sounds like a phone bill & not legitimate. He asked if I tried calling the company & both Bryan & I had called several times & the line was always busy. I so I never thought more of it & threw it away. On July 13-1999 we received our 2nd bill from Western Telecom for \$49.38 for 333 minutes (See attached bill). Remind you we never received no phone card from this company. Now we owed

EXHIBIT 2

(Cont on Separate Sheet)

(cont)

(Cont.) from flosside

for last month & this month. So I tried once again calling Western Telecom & repeatedly got a busy tone as before when we tried calling. So I called U.S. West again, which by the way has been great thru this whole thing about helping us. They told me who to contact & to get something done about this, because sometimes these companies like Western Telecom will turn it over to a Collection Agency, & go against us. So that got me real concerned, Cause both Byron & I have excellent Credit. We also have NEVER used no 333 minutes of long distance use. We seldom call long distance ever. So I wrote to you in Pierre to P.U.C. for help. I don't know what to do to get this Company off our backs. We never gave no Authorization of this Account to be opened, and want all Charges removed, so we are not liable for this bill. I hope that you can help us. I don't know what else to do.

Thank you,

Byron & Natalie Parika

RESOLUTION REQUEST

I ask that the Public Utilities Commission grant the following remedy. (What do you think the Commission should do to solve this problem? Be specific in your request for a resolution.)

We feel that they should get this account cleaned. And
P.U.C. should fine Western Telecom for taking
advantage of innocent people.

NOTE: Please attach my additional page if necessary.

AFFIRMATION STATEMENT

I hereby affirm that these statements are true and accurate to the best of my knowledge.

Bryan Parks + Natalie Parks
Complainant's Signature

7-25-99
Date



National Billing Exchange, Inc.

B & N PARKS
Account No: 605 393-2648 265
For questions, call 1-800-579-4297

Page 3

THESE CHARGES ARE FOR NON TELECOMMUNICATIONS SERVICES AND PRODUCTS. NEITHER LOCAL NOR LONG DISTANCE SERVICES CAN BE DISCONNECTED FOR NONPAYMENT OF THESE CHARGES. SPECIALIZED SERVICES PROVIDERS MAY EMPLOY OTHER AGENCIES TO COLLECT DELINQUENT SERVICES AND PRODUCTS CHARGES, EVEN IF PREVIOUSLY ADJUSTED FROM YOUR BILL.

SPECIALIZED SERVICES AND PRODUCTS

NO. TIME PLACE AREA-NUMBER TYPE MIN

MISCELLANEOUS CHARGES AND CREDITS

NO. ITEM

WESTERN TELECOM

MAY 3 PHONE CARD

(MISCELLANEOUS CHARGES AND CREDITS SUBTOTAL 39.99) 39.99

TOTAL SPECIALIZED SERVICES AND PRODUCTS 39.99

TOTAL NATIONAL BILLING EXCHANGE CHARGES 39.99

THIS PORTION OF YOUR BILL IS PROVIDED AS A SERVICE TO NATIONAL BILLING EXCHANGE. THERE IS NO CONNECTION BETWEEN U.S. WEST AND NATIONAL BILLING EXCHANGE.

This is the backside
of our U.S. West Bill
from June - 1999. with
the \$39.99 charge for
phone card from Western
Telecom.

expanded
billing
block

6-14-99



YOUR DISCOUNT LONG DISTANCE PHONE BILL



Bryan Parks
6434 Green Valley Dr
#1
Rapid City, SD 57703-9608

1
153

BILLING DATE: 07/11/99
ACCOUNT # 6053932648

DUE DATE: 10 Days

T02

Service Charge: \$3.95

Recharge on the 7th

PREVIOUS BALANCE	MINUTES	ACTIVATION FEE	MONTHLY CHARGE	TAX	PAY THIS AMOUNT
\$23.95	333	\$0.00	\$20.00	\$1.48	\$49.38

Western Telecom offers you Bonus Minutes for each friend or relation you sign up.

It's easy, it's fun and gives you additional long distance savings.

PAST DUE • FRIENDLY REMINDER



Our Name Has Changed! TouchTone has been purchased by Western Telecom, a division of Tradex International, Inc. Soon you will notice a change in the logo, but the great service and great long distance rates that you expect from TouchTone will remain the same.

PLEASE RETURN THIS SLIP WITH YOUR PAYMENT

Account #: 6053932648

Service Charge: \$3.95

Due Date: 10 Days

PREVIOUS BALANCE	MINUTES	ACTIVATION FEE	MONTHLY CHARGE	TAX	PAY THIS AMOUNT
\$23.95	333	\$0.00	\$20.00	\$1.48	\$49.38

Questions? Customer Service and Billing Inquiries

1-888-814-2566

Monday - Friday 9 a.m. to 5 p.m. EST



Remit To: Western Telecom
P.O. Box 84993
Seattle, WA 98124-6293

2 006053932648 004938 2

South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of July 29, 1999 through August 4, 1999

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five business days of this filing. Phone: 605-773-3705 Fax: 605-773-3809

CONSUMER COMPLAINTS

CT99-020 In the Matter of the Complaint filed by Fred Holpp, Rapid City, South Dakota, against U S WEST Communications, Inc. Regarding Failure to Provide Service.

The Complainant claims that U S WEST promised service on service dates beginning with April 30, 1999. They still do not have service. The Complainant seeks the following relief: "service."

Staff Analysts: Leni Healy, Michele Farris

Staff Attorney: Camron Hoseck

Date Filed: 07/29/99

Intervention Deadline: NA

CT99-021 In the Matter of the Complaint filed by Bryan and Natalie Parks, Rapid City, South Dakota, against Western Telecom Regarding Unauthorized Billing for Services.

Natalie Parks claims that they received a telemarketing call from Western Telecom offering service. Ms. Parks states that they refused the offer. The Parks received a billing.

Staff Analyst: Leni Healy

Staff Attorney: Camron Hoseck

Date Filed: 07/29/99

Intervention Deadline: NA

CT99-022 In the Matter of the Complaint filed by Harry Harvison, Platte, South Dakota, against MCI WorldCom Regarding Unauthorized Billing for Services.

The Complainant claims that MCI, through OAN, sent a billing for services which were not authorized. The Complainant is requesting to: "get rid of OAN" and determine who is responsible.

Staff Analyst: Leni Healy

Staff Attorney: Karen Cremer

Date Filed: 08/04/99

Intervention Deadline: NA

**You may receive this listing and other PUC publications via our website or via internet e-mail.
You may subscribe or unsubscribe to the PUC mailing lists at <http://www.state.sd.us/puc/>**



P.U.C. of South Dakota
William Bullard Jr.
500 E Capitol
Pierre, SD 57501-5070

RECEIVED

AUG 17 1999

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Re: CT99-021, Natalie & Bryan Parks

On behalf of Touchtone Communications a product of Western Telecom, this letter is in response to an Informal Complaint regarding Natalie & Bryan Parks.

The sales for Touchtone Communications are generated by out-bound telecommunications and verified by independent third party verification, which is recorded through verbal contracts.

To utilize our service a pin number must be dialed in order to receive the long distance rates we present. This pin number is enclosed in the initial package received by the consumer and most important, because of this pin we do not and cannot switch their local or long distance carrier.

For this particular consumer in question, Natalie & Bryan Parks received their package with their personal pin number that was mailed to the home address on 05/03/99.

Unfortunately our Quality Control department has noticed a problem with the verbal contract made the day of the initial contact, since this case was brought to our attention. Western Telecom accepts full responsibility, so the account has been canceled and a credit in the amount of \$39.99 was issued towards their local telephone carrier.

A letter confirming this is being mailed to Natalie & Bryan Parks, enclosed is a copy of that letter.

If we can be of any future assistance to your department regarding this consumer please contact myself directly at 504-461-4260 during the hours of 9AM-5PM Central Standard Time.

Sincerely,

Morgan Rucker

Consumer Complaint Department

Cc: Natalie & Bryan Parks



BRYAN PARKS
6434 GREEN VLY DR #R
RAPID CITY , SD . 57701

Thursday, August 12, 1999

Attention :

Our customer service records show we spoke with someone from your househo'd on 04/29/99 regarding a 6 cents per minute long distance flat rate billing plan. Unfortunately the Quality Control department noticed a problem with the verbal contract made on the above date. Western Telecom accepts full responsibility and has not only canceled the sale, but we also issued a full credit towards your local telephone bill in the amount of \$39.99 so you cannot be liable for that charge.

We would like to apologize for any inconvenience this may have caused you. Enclosed you will find a free 15 minute long distance calling card.

Please feel free to contact us at our toll-free customer service number 1-888-814-2566 between 9am-5pm CST.

***Sincerely,
Western Telecom
Customer Service
Department***

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

IN THE MATTER OF THE COMPLAINT FILED) BY BRYAN AND NATALIE PARKS, RAPID) CITY, SOUTH DAKOTA, AGAINST WESTERN) TELECOM REGARDING UNAUTHORIZED) BILLING FOR SERVICES)	ORDER FINDING PROBABLE CAUSE AND NOTICE REQUIRING ANSWER CT99-021
--	---

On July 29, 1999, the Public Utilities Commission (Commission) received a complaint filed by Bryan and Natalie Parks, Rapid City, South Dakota (Complainants), against Western Telecom (Western). Complainants allege receiving a billing for services which they had previously refused.

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 August 17, 1999, the Commission considered this matter. Commission Staff recommended a finding of probable cause.

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, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission voted unanimously to find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and that the complaint shall be forwarded to Western and Western shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 26th day of August, 1999.

CERTIFICATE OF SERVICE
<small>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.</small>
By: <u>Alaine Kaelo</u>
Date: <u>8/30/99</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



RECEIVED
SEP 03 1999
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Public Utilities Commission of SD
State Capitol Building
500 East Capitol Avenue
Pierre, SD 57501-5070
Attention: Leni Healy

Monday, August 23, 1999

Re: Enoch Bertsch

Dear Leni Healy,

Enclosed is the letter mailed to Enoch Bertsch. As far as having a certificate of authority, myself personally won't be able to assist on that topic, but I can assure you a response can be expected shortly.

If Western Telecom can be of any future assistance please contact us at 1-888-814-2566 between 9am-5pm CST.

Sincerely,

Morgan Rucker
Consumer Complaint Department



P.U.C. of South Dakota
William Bullard Jr.
500 E Capitol
Pierre, SD 57501-5070

RECEIVED

SEP 14 1999

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Re: CT99-021, Natalie & Bryan Parks

On behalf of Touchtone Communications a product of Western Telecom, this letter is in response to an Informal Complaint regarding Natalie & Bryan Parks.

The sales for Touchtone Communications are generated by out-bound telecommunications and verified by independent third party verification, which is recorded through verbal contracts.

To utilize our service a pin number must be dialed in order to receive the long distance rates we present. This pin number is enclosed in the initial package received by the consumer and most important, because of this pin we do not and cannot switch their local or long distance carrier.

For this particular consumer in question, Natalie & Bryan Parks received their package with their personal pin number that was mailed to the home address on 05/03/99.

Unfortunately our Quality Control department has noticed a problem with the verbal contract made the day of the initial contact, since this case was brought to our attention. Western Telecom accepts full responsibility, so the account has been canceled and a credit in the amount of \$39.99 was issued towards their local telephone carrier.

A letter confirming this is being mailed to Natalie & Bryan Parks, enclosed is a copy of that letter.

If we can be of any future assistance to your department regarding this consumer please contact myself directly at 504-461-4260 during the hours of 9AM-5PM Central Standard Time.

Sincerely,

Morgan Rucker
Consumer Complaint Department

Cc: Natalie & Bryan Parks



BRYAN PARKS
6434 GREEN VLY DR #R
RAPID CITY , SD . 57701

Thursday, August 12, 1999

Attention :

Our customer service records show we spoke with someone from your household on 04/29/99 regarding a 6 cents per minute long distance flat rate billing plan. Unfortunately the Quality Control department noticed a problem with the verbal contract made on the above date. Western Telecom accepts full responsibility and has not only canceled the sale, but we also issued a full credit towards your local telephone bill in the amount of \$39.99 so you cannot be liable for that charge.

We would like to apologize for any inconvenience this may have caused you. Enclosed you will find a free 15 minute long distance calling card.

Please feel free to contact us at our toll-free customer service number 1-888-814-2566 between 9am-5pm CST.

*Sincerely,
Western Telecom
Customer Service
Department*

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

IN THE MATTER OF THE COMPLAINT FILED	)	ORDER FOR AND NOTICE
BY BRYAN AND NATALIE PARKS, RAPID	)	OF HEARING
CITY, SOUTH DAKOTA, AGAINST WESTERN)	
TELECOM REGARDING UNAUTHORIZED	)	CT99-021
BILLING FOR SERVICES)	

On July 29, 1999, the Public Utilities Commission (Commission) received a complaint filed by Bryan and Natalie Parks, Rapid City, South Dakota (Complainants), against Western Telecom (Western). Complainants allege receiving a billing for services which they had previously refused.

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 August 17, 1999, the Commission considered this matter. Commission Staff recommended a finding of probable cause. The Commission voted unanimously to find that probable cause of an unlawful or unreasonable act, rate, practice or omission was committed by Western and ordered that the complaint be forwarded to Western and Western should file with the Commission its answer in writing within twenty (20) days of service of the order.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive.

A hearing shall be held on October 15, 1999, beginning at 9:00 o'clock A.M., MDT, in the Rapid City School Administration Building, 1st Floor Meeting Room, 300 6th Street, Rapid City, South Dakota. All persons so testifying will be subject to cross-examination by the parties. The order of the proceeding will be in the following sequence: (1) Complainant; (2) Western; and (3) Staff.

The issue at the hearing is whether Western committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the

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

IN THE MATTER OF THE COMPLAINT FILED	)	ORDER FOR AND NOTICE
BY BRYAN AND NATALIE PARKS, RAPID	)	OF HEARING
CITY, SOUTH DAKOTA, AGAINST WESTERN)	
TELECOM REGARDING UNAUTHORIZED	)	CT99-021
BILLING FOR SERVICES)	

On July 29, 1999, the Public Utilities Commission (Commission) received a complaint filed by Bryan and Natalie Parks, Rapid City, South Dakota (Complainants), against Western Telecom (Western). Complainants allege receiving a billing for services which they had previously refused.

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 August 17, 1999, the Commission considered this matter. Commission Staff recommended a finding of probable cause. The Commission voted unanimously to find that probable cause of an unlawful or unreasonable act, rate, practice or omission was committed by Western and ordered that the complaint be forwarded to Western and Western should file with the Commission its answer in writing within twenty (20) days of service of the order.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive.

A hearing shall be held on October 15, 1999, beginning at 9:00 o'clock A.M., MDT, in the Rapid City School Administration Building, 1st Floor Meeting Room, 300 6th Street, Rapid City, South Dakota. All persons so testifying will be subject to cross-examination by the parties. The order of the proceeding will be in the following sequence: (1) Complainant; (2) Western; and (3) Staff.

The issue at the hearing is whether Western committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the

hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission shall determine whether Western committed an unlawful or unreasonable act, rate, practice, or omission and, if so, order any appropriate relief. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED that a hearing shall be held at the time and place specified above on the issue of whether Western committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 15th day of September, 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: Melaine Kalbo

Date: 9/16/99

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner



WESTERN TELECOM
A DIVISION OF TRACER INTERNATIONAL, INC.

CORPORATE OFFICE: 701 DEXTER AVENUE N., SUITE 410
SEATTLE, WA 98109
PHONE 206.301.8008
FAX 206.301.9051

October 6, 1999

Bryan Parks
6434 Green Valley Dr. Apt R
Rapid City, SD 57701

Dear Bryan,

Thank you for your patience with Western Telecom as we searched for the best solution of removing the charge to your telephone bill. National Billing Exchange the billing company, which enables Western Telecom to place authorized charges and credits on your local telephone bill declared bankruptcy which prevented our adjusting your statement.

Please accept the enclosed check of \$ 43.91 for the charges on your telephone bill. Also included is fifteen minute complimentary calling card for your use anywhere in the continental United States.

Please accept our sincere apology for your inconvenience. If you have any further questions or concerns, please call our customer care at 888-814-2566.

Sincerely,

Brian Bowers
Retention Manager

cc: Camron Heseck
South Dakota Public Utilities Commission

Enclosures

3233 FLORIDA AVENUE, SUITE 101
KENNER, LA 70065
PHONE 504.461.4260
FAX 504.461.4278

MCI TOWER
707 17TH STREET, SUITE 2900
DENVER, CO 80202
PHONE 303.292.4345
FAX 303.292.4340

1580 MAKALOA STREET, SUITE 1250
HONOLULU, HI 96814
PHONE 808.955-9966
FAX 808.955-9966

TRADEX INT'L INC 110 CENTER AVE. 4TH FLY SEATTLE WA 98109-4303 TEL 206 301 8000		10/05/1999 5307
PAY TO THE ORDER OF	Bryan Parks	\$ 43.91
Forty-Three and 91/100		DOLLARS
Bryan Parks 6434 Green Valley Dr. Apt. R Rapid City, SD 57701		
MEMO Accepted as full payment for all claims against Western Telecom		<i>Julia A. Lawrence</i>
005307 12500010515350026109		

TRADEX INT'L INC

 Bryan Parks
 4-1000 - Income: 4-1400 - Telecommunications customer refund SD

10/5/1999

 5307
 43.91

U.S. Bank - Checking

Accepted as full payment for all claims against Western Tele

43.91



WESTERN TELECOM
A DIVISION OF TRADEx INTERNATIONAL, INC.

CORPORATE OFFICE: 701 DEXTER AVENUE N., SUITE 410
SEATTLE, WA 98109
PHONE 206.301.9009
FAX 206.301.9051

05 October 1999

VIA FAX

Mr. Camron Hoseck
South Dakota PUC
State Capital Building
500 East Capitol Avenue
Pierre, SD 57501-5070

RECEIVED

OCT 12 1999

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Dear Mr. Hoseck:

Please accept this as response to your letter dated 23 September 1999 (copy is attached).

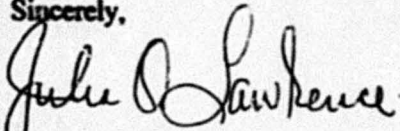
As you have suggested in previous letters, we have investigated the response and results of the five referenced complainants. We are in the process of issuing physical checks with letters of apology and will fax you copies tomorrow.

Our previous Billing Clearinghouse, NBE, should have issued credits in each case, however they have filed bankruptcy, which prevented these customers from receiving an adjustment to their phone bill. Please notify us if there is anything else that Western Telecom should do in order to stop further legal proceedings?

Western Telecom has recently received the appropriate documentation to start the process of filing for a Certificate of Authority in South Dakota and will forward a completed copy to you.

Thank you for your assistance in these matters.

Sincerely,


Julia O. Lawrence

Enclosure

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER CANCELLING
BY BRYAN AND NATALIE PARKS, RAPID)	HEARING
CITY, SOUTH DAKOTA, AGAINST WESTERN)	
TELECOM REGARDING UNAUTHORIZED)	CT99-021
BILLING FOR SERVICES)	

On July 29, 1999, the Public Utilities Commission (Commission) received a complaint filed by Bryan and Natalie Parks, Rapid City, South Dakota (Complainants), against Western Telecom (Western). Complainants allege receiving a billing for services which they had previously refused.

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 August 17, 1999, the Commission considered this matter. Commission Staff recommended a finding of probable cause. The Commission voted unanimously to find that probable cause of an unlawful or unreasonable act, rate, practice or omission was committed by Western and ordered that the complaint be forwarded to Western and Western should file with the Commission its answer in writing within twenty (20) days of service of the order.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive.

By order dated September 15, 1999, a hearing was scheduled for October 15, 1999, beginning at 9:00 o'clock A.M., MDT, in the Rapid City School Administration Building, 1st Floor Meeting Room, 300 6th Street, Rapid City, South Dakota. On October 12, 1999, the Commission received information that the parties had reached a settlement, so therefore the hearing is cancelled. It is therefore

ORDERED, that the hearing scheduled for October 15, 1999, is cancelled.

Dated at Pierre, South Dakota, this 12th day of October, 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
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING
BY BRYAN AND NATALIE PARKS, RAPID)	COMPLAINT AND CLOSING
CITY, SOUTH DAKOTA, AGAINST WESTERN)	DOCKET
TELECOM REGARDING UNAUTHORIZED)	
BILLING FOR SERVICES)	CT99-021

On July 29, 1999, the Public Utilities Commission (Commission) received a complaint filed by Bryan and Natalie Parks, Rapid City, South Dakota (Complainants), against Western Telecom (Western). Complainants allege receiving a billing commencing in May 1999, for services which they had previously refused.

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 August 17, 1999, the Commission considered this matter. Commission Staff recommended a finding of probable cause. The Commission voted unanimously to find that probable cause of an unlawful or unreasonable act, rate, practice or omission was committed by Western and ordered that the complaint be forwarded to Western and Western should file with the Commission its answer in writing within twenty (20) days of service of the order.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive.

By order dated September 15, 1999, a hearing was scheduled for October 15, 1999, beginning at 9:00 o'clock A.M., MDT, in the Rapid City School Administration Building, 1st Floor Meeting Room, 300 6th Street, Rapid City, South Dakota. On October 12, 1999, the Commission received information that the parties had reached a settlement, so the hearing was cancelled.

At its regularly scheduled November 1, 1999, meeting, the Commission considered this matter. Staff informed the Commission that the parties had reached a settlement as to the billing and penalties. It is therefore

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

Dated at Pierre, South Dakota, this 4th day of November, 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: Arlaine Kelso

Date: 11/5/99

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA
500 E Capitol, State Capitol Building, Pierre SD 57501

CT 99-024

RECEIVED

COMPLAINT

AUG - 5 1999

Complainant(s) (Person(s) filing the complaint)		Respondent(s) (Person(s) or Company being complained of)	
Name	Ernst Hamann for Evelyn Weaver	Contact Person	
Address	624 W Dakota Ave.	Utility Company	Western Telecom
City, State, Zip	Pierre SD 57501	Address	PO Box 84993
Home Phone	224-7957	City, State, Zip	Seattle WA 98124
Work Phone	224-223-2717	Phone	1-888-814-2566
Cellular Phone	none	Cellular Phone	?
Fax #	none	Fax #	?

If the Complainant is represented by an attorney, please list the attorney's name, address, telephone number and fax number below: (If Complainant is not represented by an attorney, please leave blank.)

July 28, 1999

Enclosed is the latest bill received from Western Telecom/TouchTone. Hopefully the previous copies of correspondence are on file; however, if not, I can forward them again. As stated in my previous request, no services or products have been authorized to this company.

There is apparently a monthly charge of \$3.95 "Service Charge" plus a \$20 "Monthly Charge" plus tax for the services whether used or not. I make approximately three long distance phone calls per month which are maybe 30 minutes in length each.

I'm still confused as to what the actual "service" is that they provide.

July 29, 1999

After the above had been written, a real voice was finally contacted in calling the 1-888-814-2566 number (after numerous attempts and receiving busy signals). Apparently they had called 605-224-7957 in April and I told them same as all other callers selling something. It seems, from what she said on the phone last night, that in their broad interpretation of NO in the statement "I just want to leave things as they are now", they assumed that meant not to cancel the current long-distance carrier but add their services also.

When told nothing had been received to explain their 'services', she said they would be happy to tell me over the phone. She was told no, no services had been authorized and none had been used, whatever they were, and to cancel effective the date their 'services' began because no past or future bills would be paid to them. She said she would delete charges. It remains to be seen if they follow-through.

While it would appear this might be cleared up, I do not feel I'm ready to just drop this complaint. It's questionable if anyone can say no and they don't interpret it differently plus the time, frustration and hassles I've had with these companies (TouchTone and Western Telecom) in trying to clear it up. Upon receiving the first bill, I was never able to get a voice at TouchTone; I did get a recording twice but, after holding for a length of time, the call was cut off. From that point on, I only received busy signals.

EXHIBIT 3

RESOLUTION REQUEST

I ask that the Public Utilities Commission grant the following remedy. (What do you think the Commission should do to solve this problem? Be specific in your request for a resolution.)

RESOLUTION:

Ideally, they should be banned from operating, at the very least under their current method of operation. Surely there must be laws against falsely signing people up and charging for unauthorized services.

Realistically, they should have to compensate every person they did not get a positive and firm YES from when they called to offer their services.

I wait to see if they actually cancel all charges and discontinue sending bills so the time and frustration continues.

NOTE: Please attach any additional pages if necessary.

AFFIRMATION STATEMENT

I hereby affirm that these statements are true and accurate to the best of my knowledge.

Ernst H. Hammer
Complainant's Signature

8-1-99
Date

RESOLUTION REQUEST

I ask that the Public Utilities Commission grant the following remedy. (What do you think the Commission should do to solve this problem? Be specific in your request for a resolution.)

RESOLUTION:

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Realistically, they should have to compensate every person they did not get a positive and firm YES from when they called to offer their services.

I wait to see if they actually cancel all charges and discontinue sending bills so the time and frustration continues.

NOTE: Please attach any additional pages if necessary.

AFFIRMATION STATEMENT

I hereby affirm that these statements are true and accurate to the best of my knowledge.

Ernst H. Hammer
Complainant's Signature

8-1-99
Date

KEEP THIS PORTION FOR YOUR RECORDS

YOUR DISCOUNT LONG DISTANCE PHONE BILL



Evelyn Weaver
624 W Dakota Ave
Apt 3
Pierre, SD 57501-1803

145

BILLING DATE: 07/11/99
ACCOUNT # 6052247957

DUE DATE: 10 Days

T02

Service Charge: \$3.95

Recharge on the 7th

PREVIOUS BALANCE	MINUTES	ACTIVATION FEE	MONTHLY CHARGE	TAX	PAY THIS AMOUNT
\$23.95	333	\$0.00	\$20.00	\$1.48	\$49.38

Western Telecom offers you Bonus Minutes for each friend or relation you sign up.

It's easy, it's fun and gives you additional long distance savings.

PAST DUE * FRIENDLY REMINDER



Our Name Has Changed! TouchTone has been purchased by Western Telecom, a division of Tradex international, Inc. Soon you will notice a change in the logo, but the great service and great long distance rates that you expect from TouchTone will remain the same.

PLEASE RETURN THIS STUB WITH YOUR PAYMENT

Account #: 6052247957

Service Charge: \$3.95

Due Date: 10 Days

PREVIOUS BALANCE	MINUTES	ACTIVATION FEE	MONTHLY CHARGE	TAX	PAY THIS AMOUNT
\$23.95	333	\$0.00	\$20.00	\$1.48	\$49.38

Questions? Customer Service and Billing Inquiries

1-888-814-2566

Monday - Friday 9 a.m. to 5 p.m. EST



Remit To: Western Telecom
P.O. Box 84993
Seattle, WA 98124-0293

2 006052247957 004938 7

RECEIVED

AUG - 5 1999

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

July 14, 1999

**Charlene Lund
PUC
State Capitol Build'ng
Pierre SD 57501**

Dear Ms. Lund:

Attached are copies of some bills and information received regarding Western Telecom. As you will note, there are two billing agencies involved. No charges had previously been authorized and no product or services have been received to date.

A copy of this letter is being sent to US West with the unauthorized amount deducted from the total bill.

The bill is addressed to Evelyn Weaver, my mother.

Please keep me advised as to the status of these unauthorized charges.

Sincerely,

Ernie Hamann

**Ernie Hamann
624 W Dakota Ave
Pierre SD 57501**

Phone: 224-7957 -evenings

Call Carol at 773-3247 Daytime

South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of August 5, 1999 through August 11, 1999

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five business days of this filing. Phone: 605-773-3705 Fax: 605-773-3809

CONSUMER COMPLAINTS

CT99-023 In the Matter of the Complaint filed by Lou Schuelke on behalf of Lazy S Campground, Hill City, South Dakota, against U S WEST Communications, Inc. Regarding Poor Service and Request to have Lines Updated.

The Complainant alleges poor service resulting in outages of several days. The Complainant seeks the following relief: "I feel the Public Utilities needs to investigate U S WEST and put on some pressure so they either upgrade or do something to improve our service."

Staff Analysts: Leni Healy, Michele Farris
Staff Attorney: Karen Cremer
Date Filed: 08/05/99
Intervention Deadline: NA

CT99-024 In the Matter of the Complaint filed by Evelyn Weaver, Pierre, South Dakota, against Western Telecom Regarding Unauthorized Billing for Services.

The Complainant was billed for unauthorized service. The Complainant seeks the following relief: "They should be banned from operation."

Staff Analyst: Leni Healy
Staff Attorney: Camron Hoseck
Date Filed: 08/05/99
Intervention Deadline: NA

CT99-025 In the Matter of the Complaint filed by Jeanne Green, Sioux Falls, South Dakota, against U S WEST Communications, Inc. Regarding Excessive Repair Charges.

The Complainant was charged \$80 for trouble isolation and believes this charge to be excessive. The Complainant seeks the following relief: "Please do not approve such high rates for services most Americans can't afford."

Staff Analysts: Leni Healy, Keith Senger
Staff Attorney: Camron Hoseck
Date Filed: 08/05/99
Intervention Deadline: NA

CT99-026 In the Matter of the Complaint filed by Judy Raker, Rapid City, South Dakota, against U S WEST Communications, Inc. Regarding Delayed Service.

The Complainant requested service to their new home and trucking business in a new development in May, 1999. They were promised service on July 14, 1999. The Complainant did not receive service on that date and was not notified by U S WEST until she contacted the company. Several commitments for service have been missed. As a result the Complainant rented office space in Rapid City to run the trucking business. Complete phone service to the office space in Rapid City has also been delayed. The Complainant is seeking damages to compensate for the rented office space in Rapid City, installation costs for the line to the Rapid City office, and related expenses for delay and "total lack of concern for a small South Dakota business."

Staff Analyst: Leni Healy
Staff Attorney: Karen Cremer
Date Filed: 08/05/99
Intervention Deadline: NA

CT99-027 In the Matter of the Complaint filed by Edward Peltz, Hill City, South Dakota, against U S WEST Communications, Inc. Regarding Poor Service and Request to have Lines Updated.

The Complainant submitted a petition, signed by neighbors in his area, claiming poor service. The Complainant seeks the following relief: "U S West (should) be forced to put some good equipment in."

Staff Analysts: Leni Healy, Michele Farris
Staff Attorney: Karen Cremer
Date Filed: 08/06/99
Intervention Date: NA

NATURAL GAS

NG99-003 In the Matter of the Filing by MidAmerican Energy Company for Approval of Tariff Revisions.

MidAmerican Energy Company is filing to revise their South Dakota Gas Tariff by adding Subsection 5.10 Excess Flow Valves. The new subsection defines the charges and policies MidAmerican will follow concerning the installation of excess flow valves.

Staff Analyst: Martin Bettmann
Staff Attorney: Camron Hoseck
Date Filed: 08/9/99
Intervention Deadline: 08/27/99

You may receive this listing and other PUC publications via our website or via internet e-mail. You may subscribe or unsubscribe to the PUC mailing lists at <http://www.state.sd.us/puc/>

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

IN THE MATTER OF THE COMPLAINT FILED) BY EVELYN WEAVER, PIERRE, SOUTH) DAKOTA, AGAINST WESTERN TELECOM) REGARDING UNAUTHORIZED BILLING FOR) SERVICES)	ORDER FINDING PROBABLE CAUSE AND NOTICE REQUIRING ANSWER CT99-024
--	---

On August 5, 1999, the Public Utilities Commission (Commission) received a complaint filed by Evelyn Weaver, Pierre, South Dakota (Complainant), against Western Telecom (Western). Complainant alleges that she was billed for unauthorized service.

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 August 17, 1999, the Commission considered this matter. Commission Staff recommended a finding of probable cause.

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, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission voted unanimously to find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and that the complaint shall be forwarded to Western and Western shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 26th 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: *Delaine Kalbo*

Date: 8/30/99

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

CT99-024



Evelyn Weaver
624 W Dakota Ave Apt 3
Pierre, SD 57501

Monday, August 23, 1999

Attention :

Our customer service records show we spoke with someone from your household on 04/28/99 regarding a 6 cents per minute long distance flat rate billing plan.

Unfortunately the South Dakota PUC has brought to our attention your formal complaint, in turn the Quality Control department noticed a problem with the verbal contract made on the above date. Our service was sold to an unauthorized person.

Western Telecom accepts full responsibility and has not only canceled the sale, but we also issued a full credit towards your local telephone bill in the amount of \$39.99 so you cannot be liable for that charge.

We would like to apologize for any inconvenience this may have caused you. Enclosed you will find a free 15 minute long distance calling card.

Please feel free to contact us at our toll-free customer service number 1-888-814-2566 between 9am-5pm CST.

Sincerely,
Western Telecom
Customer Service Department

*This was
rec'd recently.
"Free" calling
card is ok
will be destroyed
Ch*



Public Utilities Commission of SD
State Capitol Building
500 East Capitol Avenue
Pierre, SD 57501-5070
Attention: Leni Healy

RECEIVED
SEP 6 1999
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Monday, August 23, 1999

Re: Enoch Bertsch

Dear Leni Healy,

Enclosed is the letter mailed to Enoch Bertsch. As far as having a certificate of authority, myself personally won't be able to assist on that topic, but I can assure you a response can be expected shortly.

If Western Telecom can be of any future assistance please contact us at 1-888-814-2566 between 9am-5pm CST.

Sincerely,

Morgan Rucker
Consumer Complaint Department

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

IN THE MATTER OF THE COMPLAINT FILED	)	ORDER FOR AND NOTICE
BY EVELYN WEAVER, PIERRE, SOUTH	)	OF HEARING
DAKOTA, AGAINST WESTERN TELECOM)	
REGARDING UNAUTHORIZED BILLING FOR	)	CT99-024
SERVICES)	

On August 5, 1999, the Public Utilities Commission (Commission) received a complaint filed by Evelyn Weaver, Pierre, South Dakota (Complainant), against Western Telecom (Western). Complainant alleges that she was billed for unauthorized service.

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 August 17, 1999, the Commission considered this matter and found there was probable cause of an unlawful or unreasonable act, rate, practice or omission, and ordered that the complaint be forwarded to Western for an answer to be filed within twenty (20) days of service of the order. The order was dated August 26, 1999.

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, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01.08.01 and 20:10:01.09.

A hearing shall be held on September 23, 1999, beginning at 8:30 o'clock A.M., in Room 412 of the State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota. All persons so testifying will be subject to cross-examination by the parties. The order of the proceeding will be in the following sequence: (1) Complainant; (2) Western; and (3) Staff.

The issue at the hearing is whether Western committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing,

the Commission shall determine whether Western committed an unlawful or unreasonable act, rate, practice, or omission and, if so, order any appropriate relief. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED that a hearing shall be held at the time and place specified above on the issue of whether Western committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 10th day of September, 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:	<u>Aldine Kaelo</u>
Date:	<u>9/10/99</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



CT 99-024

South Dakota PUC
500 East Capitol Ave.
Pierre, SD 57501-5070
Attention: Consumer Affairs

September 10, 1999

RECEIVED

SEP 16 1999

Re: Ms. Evelyn Weaver

SOUTH DAKOTA
UTILITIES COMMISSION

The account is canceled and no monies are owed. Enclosed is the copy of the letter mailed to Evelyn Weaver.

If Western Telecom can be of any future assistance please contact us at 1-888-814-2566 between 9am-5pm CST.

Sincerely,

Ms. Morgan Rucker
Consumer Complaint Department

	Destination	Pg(s)	Result	Page Not Sent
TX	101032196057733809	2	SENT	

Reason for error
 E.1) Hang up or line fail
 E.3) No answer

E.2) Busy
 E.4) No facsimile connection



FACSIMILE TRANSMITTAL SHEET

TO: <u>B. Heston, Jr.</u>	FROM: <u>Morgan Rucker</u>
COMPANY: <u>South Dakota PVC</u>	DATE: <u>Aug 23, 1999</u>
PHONE NUMBER: <u>(605) 773-3809</u>	TOTAL NO. OF PAGES INCLUDING COVER: <u>2</u>
FAX NUMBER: <u>(605) 773-3201</u>	PHONE NUMBER: <u>504-461-4260</u>
RE: <u> Evelyn Weaver</u>	FAX NUMBER: <u>504-465-3715</u>

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Attached is a copy of the letter sent to Mrs. Weaver.
 Call me with any questions.

Thanks,
Morgan Rucker
 Morgan Rucker
 Consumer Complaint Department



Evelyn Weaver
624 W Dakota Ave Apt 3
Pierre, SD 57501

Monday, August 23, 1999

Attention :

Our customer service records show we spoke with someone from your household on 04/28/99 regarding a 6 cents per minute long distance flat rate billing plan.

Unfortunately the South Dakota PUC has brought to our attention your formal complaint, in turn the Quality Control department noticed a problem with the verbal contract made on the above date. Our service was sold to an unauthorized person.

Western Telecom accepts full responsibility and has not only canceled the sale, but we also issued a full credit towards your local telephone bill in the amount of \$39.99 so you cannot be liable for that charge.

We would like to apologize for any inconvenience this may have caused you. Enclosed you will find a free 15 minute long distance calling card.

Please feel free to contact us at our toll-free customer service number 1-888-814-2566 between 9am-5pm CST.

*Sincerely,
Western Telecom
Customer Service Department*



South Dakota Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070



September 23, 1999

Commissioners Burg, Nelson and Schoenfelder
South Dakota Public Utilities Commission
500 E. Capitol
Pierre, SD 57501

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5230
FAX (605)773-3225

Consumer Hotline
1-800-332-1782

TTY Through
Relay South Dakota
1-800-877-1113

Internet Website
www.puc.state.sd.us/puc/

Jim Burg
Chairman
Pam Nelson
Vice-Chairman
Laska Schoenfelder
Commissioner

William Bullard Jr.
Executive Director

Harlan Best
Martin C. Bettmann
Sue Cichos
Karen E. Cremer
Michele M. Farris
Marlette Fischbach
Heather K. Forney
Shirleen Fugitt
Mary Giddings
Lewis Hammond
Leni Healy
Camron Hoseck
Lisa Hull
Dave Jacobsen
Katie Johnson
Bob Knadle
Delaine Kolbo
Charlene Lund
Terry Norum
Gregory A. Rislov
Keith Senger
Rosalynne Alts Wiest

Re: Ernst Hamann for Evelyn Weaver
Docket CT99-024

Dear Commissioners:

Please consider this to be a letter brief in this matter.

Pursuant to SDCL 49-31-93, a subscriber is not liable for billing of unauthorized products or services. Further, the company that initiates the unauthorized charge or billing of unauthorized products or services is liable for \$1000, to be paid to the subscriber.

This law became effective July 1, 1999.

The facts as plead show a billing for unauthorized services after July 1, 1999. It is Staff's position that a billing dated after July 1, 1999 for unauthorized services exposes the telecommunications company doing such billing to the obligation to pay a subscriber \$1000.

By copy of this letter, transmitted via fax, I am serving Western Telecom.

Very truly yours,

Camron Hoseck
Staff Attorney

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

RECEIVED

SEP 27 1999

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

CT99-024

IN THE MATTER OF THE COMPLAINT
FILED BY EVELYN WEAVER, PIERRE,
SOUTH DAKOTA, AGAINST WESTERN
U S WLST COMMUNICATIONS, INC.
REGARDING UNAUTHORIZED BILLING FOR
SERVICES

HEARD BEFORE THE PUBLIC UTILITIES COMMISSION

PROCEEDINGS:

September 23, 1999
8:30 A.M.
Room 412, Capitol Building
Pierre, South Dakota

PUC COMMISSION:

Jim Burg, Chairman
Laska Schoenfelder, Commissioner
Pam Nelson, Commissioner

COMMISSION STAFF

PRESENT:

Rolayne Ailts Wiest
Camron Hoseck
Gregory A. Rislov
Leni Healy

Reported by:

Lori J. Grode, RMR/RPR

ORIGINAL

A P P E A R A N C E S

For Western Telecom: No Appearance
For Complainant: Ernest Hamann

I N D E X

<u>Witness</u>	<u>Page</u>
Ernest Hamann	5
Leni Healy	15
Delaine Kolbo	24

E X H I B I T S

1	Touchtone Past Due Statement
2	Letter from Western indicating full credit
3	Mr. Hamann's handwritten notes
4	Letter from Morgan Rucker
5	Weaver phone bill
6	Phone bills from Hamann
7	PUC Order for Probable Cause
8	Order and Notice of Hearing

P R O C E E D I N G S

CHAIRMAN BURG: I'm beginning the hearing for Docket TC99-024, in the matter of the complaint filed by Evelyn Weaver, Pierre, South Dakota, against Western Telecom regarding unauthorized billing for services.

The time is approximately 8:30 a.m. The date is September 23rd, 1999. The location of the hearing is Room 412, State Capitol Building, Pierre, South Dakota. I am Jim Burg, Commission Chairman.

Commissioners Laska Schoenfelder and Pam Nelson are also present.

I am presiding over this hearing. This hearing was noticed pursuant to the Commission Order For and Notice of Hearing issued December 10, 1999.

The issue at this hearing is whether Western Telecom committed an unlawful or unreasonable act, rate, practice, or omission; and, if so, what relief would be appropriate?

All parties have the right to be present and to be represented by an attorney. All persons so testifying will be sworn in and subject to cross-examination by the parties. The Commission's final decision may be appealed by the parties to the State Circuit Court and the State Supreme Court.

Rolayne Wiest will act as Commission

1 counsel. She may provide recommended rulings on
2 procedural and evidentiary matters. The Commission may
3 overrule its counsel's preliminary rulings throughout
4 the hearing. If not overruled, the preliminary rulings
5 will become final rulings.

6 At this time I'll turn it over to Rolayne to
7 conduct the hearing.

8 MS. WIEST: First I'll take the appearances
9 of the parties. Is the complainant present? Could you
10 state your name for the record?

11 MR. HAMANN: Ernest Hamann.

12 MS. WIEST: Thank you. And is the respondent
13 present? I don't see anybody from Western Telecom
14 here; is that correct?

15 MR. HOSECK: That's correct, to my
16 understanding.

17 MS. WIEST: And staff?

18 MR. HOSECK: Camron Hoseck on behalf of
19 staff.

20 MS. WIEST: First of all, does anybody have
21 any opening statements before testimony? I would
22 assume not.

23 MR. HOSECK: No.

24 MS. WIEST: Mr. Hamann, if you could come up
25 to the microphone and briefly state your problem with

1 this company for the record. And we'll swear you in
2 first and then we might have some questions of you.

3 ERNEST HAMANN,

4 called as a witness, being first duly sworn,
5 was examined and testified as follows:

6 DIRECT EXAMINATION

7 MS. WIEST: If you could just -- I'm sorry,
8 are you going to ask him questions, Mr. Hoseck?

9 MR. HOSECK: No.

10 MS. WIEST: Go ahead. Just briefly explain
11 the problem you've had with this company.

12 MR. HAMANN: Well, it all started when one
13 night they called and I wasn't paying much attention to
14 what they was talking about other than they said they
15 was going to send me out a package on what they was
16 offering.

17 And I didn't pay enough attention to realize
18 they was trying to sell it to me. So then later on I
19 got this bill for the first one was 24 something, I
20 think. and I couldn't figure out what was going on
21 there.

22 Then later on they sent another bill for -- I
23 can't remember what that one was now, 49? But they
24 said they were tied in with U S West.

25 So then I've been having my ex-wife, she's

1 been helping me with it, trying to get it resolved.
2 She spent a lot of time trying to get ahold of this out
3 -- it was Telecom, then it went to Western Telecom or
4 whatever, and they've been so hard to try to get ahold
5 of.

6 MS. WIEST: Okay. Do you have anything
7 else?

8 MR. HAMANN: Well, kind of frustrating when
9 you can't get ahold of somebody that's trying to bill
10 you.

11 MS. WIEST: What was your account credited
12 then? We had some things from the company that said
13 that they were going to credit.

14 MR. HAMANN: Yeah. They said they were going
15 to credit.

16 MS. WIEST: Was the charge taken off the
17 telephone bill yet?

18 MR. HAMANN: Well, that I can't really say
19 yet until we get another bill.

20 MS. WIEST: Okay. Do you have any questions,
21 Mr. Hoseck?

22 MR. HOSECK: Yes.

23 (EXHIBIT NO. 1 WAS MARKED FOR
24 IDENTIFICATION.)

25 CROSS-EXAMINATION

1 been helping me with it, trying to get it resolved.
2 She spent a lot of time trying to get ahold of this out
3 -- it was Telecom, then it went to Western Telecom or
4 whatever, and they've been so hard to try to get ahold
5 of.

6 MS. WIEST: Okay. Do you have anything
7 else?

8 MR. HAMANN: Well, kind of frustrating when
9 you can't get ahold of somebody that's trying to bill
10 you.

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12 then? We had some things from the company that said
13 that they were going to credit.

14 MR. HAMANN: Yeah. They said they were going
15 to credit.

16 MS. WIEST: Was the charge taken off the
17 telephone bill yet?

18 MR. HAMANN: Well, that I can't really say
19 yet until we get another bill.

20 MS. WIEST: Okay. Do you have any questions,
21 Mr. Hoseck?

22 MR. HOSECK: Yes.

23 (EXHIBIT NO. 1 WAS MARKED FOR
24 IDENTIFICATION.)

25 CROSS-EXAMINATION

1 BY MR. HOSECK:

2 Q. Mr. Hamann, I'm going to show you what has
3 been marked as Exhibit 1 and ask you if you recognize
4 that document?

5 A. Yes, I do.

6 Q. Is that the bill you received from Touchtone
7 in this matter?

8 A. Yes.

9 MR. HOSECK: At this time I would move
10 Exhibit 1 into evidence.

11 MS. WIEST: Any objection? If not, it's
12 admitted.

13 Q. And is this the last bill that you received
14 from --

15 A. Yes, it is.

16 Q. -- this company? And is it correct that that
17 states that the amount due is \$49.38?

18 A. Yes.

19 Q. And what is the date of this billing?

20 A. 7/11/99

21 (EXHIBIT NO. 2 WAS MARKED FOR
22 IDENTIFICATION.)

23 Q. Mr. Hamann, I'm going to show you also what
24 has been marked as Exhibit No. 2 and ask you if you
25 recognize that document?

1 A. Yes, I do.

2 Q. And is that a document that you received?

3 A. Yes, it is.

4 MR. HOSECK: I would move Exhibit 2 into
5 evidence.

6 MS. WIEST: Any objection? If not, it's
7 admitted.

8 Q. And what is the date of that document?

9 A. August 23rd, '99.

10 Q. And is this the one that indicated your
11 account had been credited in the amount of \$39.99, I
12 believe?

13 A. Yes, it is.

14 Q. Perhaps one point of clarification we should
15 make at this point in time and that is who is Evelyn
16 Weaver?

17 A. That's my mother.

18 Q. Okay. And is she --

19 A. She's deceased.

20 Q. She's deceased. And approximately how long
21 has she been deceased?

22 A. A year ago last April.

23 Q. And how is it that you have the phone number
24 that she had?

25 A. I took over her apartment. And she left all

1 of her things in there, so I just started renting that
2 apartment and just left the phone the way it was.

3 Q. In other words, you left the phone in her
4 name?

5 A. Yeah.

6 Q. And did you continue then to pay for the
7 service?

8 A. Yes, I did.

9 Q. And this has continued then for a little bit
10 over a year, year and a half, perhaps?

11 A. Yes.

12 Q. In this process did you incur any damages
13 that you felt that you were due as a result of the
14 billing in this switching of the service?

15 A. Yes.

16 (EXHIBIT NO. 3 WAS MARKED FOR
17 IDENTIFICATION.)

18 Q. I'm going to show you a document which has
19 been marked as Exhibit 3 and ask you to identify that,
20 please.

21 A. Yes.

22 Q. And what is that document?

23 A. That's explaining between me and Carol what
24 frustrations we've been going through and trying to get
25 ahold of them, the time we spent on it.

1 Q. Is this a document that you prepared?

2 A. Me and Carol did together.

3 MR. HOSECK: At this time I would move
4 Exhibit 3 into evidence.

5 MS. WIEST: Any objection? If not, it's
6 admitted.

7 Q. Ernie, I'm going to ask you to go through
8 Exhibit 3 and explain to the Commissioners each of
9 those items and the reasons for them.

10 A. Well, the time spent between me and Carol's
11 place in the three months, I get 8.50 an hour, so I
12 mean I don't know how you compensate for that. And the
13 next one is trying to get ahold of them and wondering
14 what's going to happen next, if they're going to keep
15 billing you and whatever. And their late charges that
16 I didn't want to pay the bill because I didn't know
17 what this outfit was going to do.

18 Q. Were these late charges incurred by with
19 whom?

20 A. Well, see, I didn't pay the phone bill right
21 when it was due because I was trying to wait and see
22 what was going to happen with Telecom. And I started
23 getting a bill from one company which was Touchtone,
24 then it went to Western, whatever they call it. Th
25 they had two bills that were conflicting each other . r

1 the amounts charged. I guess that's about all I could
2 say about that.

3 Q. And, in your opinion, is the amount stated on
4 Exhibit 3 an amount that would make you whole under
5 these circumstances?

6 A. Yes.

7 Q. And with regard to the services that we're
8 talking about here today from Western Telecom, did you
9 authorize those services?

10 A. I just authorized him to send me their
11 package they was talking about. I didn't sign
12 anything, or it was all verbal.

13 Q. Okay.

14 MR. HOSECK: I have no further questions of
15 this witness.

16 MS. WIEST: Commissioners?

17 CHAIRMAN BURG: Just one question for my
18 information. You know, this happened -- when did you
19 first receive the first bill? This bill is dated
20 7/11. Is this the first one? No, this wouldn't be the
21 first one because there were two charges.

22 A. No, there was one other one here.

23 CHAIRMAN BURG: That isn't necessary if you
24 don't have it there. And it's dated August 5th we
25 received the complaint. I was just more or less

1 curious how did you know to call the PUC then? Where
2 did you get that information?

3 A. From my ex-wife, Carol.

4 CHAIRMAN BURG: Okay. And did this bill come
5 with your U S West bill or --

6 A. This was separate.

7 CHAIRMAN BURG: This was a totally separate
8 bill in a separate envelope?

9 A. Yes.

10 CHAIRMAN BURG: But did you say that you
11 didn't pay your U S West bill for a while?

12 A. I let it go over a month, let it go, slip one
13 month, so I could see what was going to happen on the
14 next bill with Western Telecom.

15 CHAIRMAN BURG: But I mean if they were
16 coming as two separate bills, why would you have done
17 that? Or what was the reasoning behind that that you
18 didn't pay the U S West bill because this was a
19 separate bill?

20 A. Well, because putting their minutes of long
21 distance in with this company.

22 CHAIRMAN BURG: Those were listed on the U S
23 West bill?

24 A. Yeah.

25 CHAIRMAN BURG: That was kind of what I

1 wanted to know.

2 A. Yeah.

3 COMMISSIONER NELSON: So is this bill for
4 long distance services?

5 A. Pardon?

6 COMMISSIONER NELSON: Is the bill for long
7 distance services?

8 MS. WIEST: Do you have those other bills
9 with you like the first one you had or your U S West
10 bill that shows --

11 A. I've got quite a few of them in here.

12 CHAIRMAN BURG: Leni, do you have a copy of
13 the U S West bill that shows that what was the month
14 maybe?

15 MS. WIEST: We'll get the bills. Why don't
16 we put them in the record, then they'll have them in
17 there? Do you have a clean copy of the bills?

18 MR. HOSECK: I'm going to call Leni as a
19 witness.

20 MS. WIEST: Okay. So we'll get it. That's
21 okay then. The question I had was when did they first
22 contact you? When did you get that call when they said
23 they would send you a package? Do you remember that
24 approximately?

25 A. It was in April, I think.

1 wanted to know.

2 A. Yeah.

3 COMMISSIONER NELSON: So is this bill for
4 long distance services?

5 A. Pardon?

6 COMMISSIONER NELSON: Is the bill for long
7 distance services?

8 MS. WIEST: Do you have those other bills
9 with you like the first one you had or your U S West
10 bill that shows --

11 A. I've got quite a few of them in here.

12 CHAIRMAN BURG: Leni, do you have a copy of
13 the U S West bill that shows that what was the month
14 maybe?

15 MS. WIEST: We'll get the bills. Why don't
16 we put them in the record, then they'll have them in
17 there? Do you have a clean copy of the bills?

18 MR. HOSECK: I'm going to call Leni as a
19 witness.

20 MS. WIEST: Okay. So we'll get it. That's
21 okay then. The question I had was when did they first
22 contact you? When did you get that call when they said
23 they would send you a package? Do you remember that
24 approximately?

25 A. It was in April, I think.

1 MS. WIEST: That was in April, okay. And
2 they -- what you thought you were agreeing to is that
3 they would send you information about their services;
4 right?

5 A. Right.

6 MS. WIEST: Any other questions from
7 Commissioners?

8 CHAIRMAN BURG: The other one that occurred
9 to me that I had was how long have you been using the
10 phone? You know, basically that was still in your
11 mother's name. How long have you been paying this
12 bill?

13 A. Well, I was paying it when she was still
14 alive. And, like I said, she died a year ago last
15 April.

16 CHAIRMAN BURG: A year ago in April. Did you
17 move into the apartment then?

18 A. Yes. I was living there when she was still
19 in the nursing home.

20 CHAIRMAN BURG: Okay. Thank you.

21 MS. WIEST: Any other questions? Do you have
22 anything else to add, Mr. Hamann?

23 A. No.

24 MS. WIEST: Thank you. Staff, do you have
25 any witnesses?

1 MR. HOSECK: Yes. At this time I would call
2 Leni Healy to the stand.

3 LANIECE HEALY,
4 called as a witness, being first duly sworn,
5 was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. HOSECK:

8 Q. Would you state your name for the record,
9 please?

10 A. My name is LaNiece Healy.

11 Q. And what is your job?

12 A. I work for the Public Utility Commission as
13 director of consumer affairs.

14 Q. Have you been present in the hearing room
15 this morning during the course of these proceedings?

16 A. Yes, I have.

17 Q. And are you generally familiar with the
18 Docket CT99-024, this matter of Ernest Hamann for
19 Evelyn Weaver?

20 A. Yes, I am.

21 Q. Okay. And when a formal complaint is filed
22 with the PUC, could you describe what the process is as
23 to how we handle that?

24 A. Once I receive the information, it is given
25 to Delaine Kolbo in our office, who issues a docket

1 number and then distributes copies of the docket to the
2 parties involved, including the offending company and
3 members of staff assigned to this particular issue.

4 Q. And was this process followed in this
5 particular case?

6 A. Yes, it was.

7 Q. And was a response received from either
8 Western Telecom or Touchtone?

9 A. Following the issue of the docket, a response
10 was received on August 23rd.

11 Q. Okay. And maybe we should back up a step
12 here. I used the terms Western Telecom and Touchtone
13 interchangeably. Could you explain that situation to
14 the Commission as you understand it?

15 A. Okay. Touchtone Communications was purchased
16 by Western Telecom. The billing does still go out
17 under Touchtone, but is billed through Western Telecom.

18 (EXHIBIT NO. 4 WAS MARKED FOR
19 IDENTIFICATION.)

20 Q. I'm going to show you a document which has
21 been marked as Exhibit 4 and ask you to identify that
22 document for the record, please.

23 A. Exhibit 4 is a letter from Western Telecom
24 indicating that the account is closed and no monies are
25 owed on this account.

1 MR. HOSECK: And I would move Exhibit 4 into
2 evidence.

3 MS. WIEST: Any objections? If not, it's
4 received.

5 Q. And was Exhibit 4 a document received by you
6 in the course of your work?

7 A. Yes, it was.

8 Q. Okay. Now, previously there has been some
9 testimony by Mr. Hamann and some questions by the
10 Commissioners with regard to the billing process and
11 how this first arose as to the relationship between
12 either Western Telecom or Touchtone and U S West.

13 Could you explain your understanding of the
14 situation from the documents that you may have in your
15 file?

16 A. Yes, I can. The first charges appeared
17 through National Billing Exchange on U S West's
18 telephone bill. National Billing Exchange is an
19 aggregator for multiple companies. The listing does
20 list charges for Western Telecom as a phone card.

21 Q. And at some point in time was there any
22 contact made by either you or someone in the consumer
23 division that addressed this situation when the
24 complaint became known to you?

25 A. Yes. When we received this information from

1 Mr. Hamann, we contacted Western Telecom and U S West.
2 U S West removed the charges from their billing, and
3 then Western Telecom billed separately for those
4 charges.

5 Q. And would that be the reason then that there
6 was a separate bill that would have come in this
7 particular instance?

8 A. Yes. And U S West did charge late fees for
9 one month.

10 Q. Okay. And what was the amount of those late
11 fees?

12 A. I don't have the subsequent bill that would
13 indicate the amount of those late fees.

14 MR. HOSECK: I have no further questions of
15 this witness.

16 MS. WIEST: Commissioners?

17 CHAIRMAN BURG: I have one. Were the charges
18 that were listed on the U S West bill the first time,
19 were they for calls, long distance calls made, or were
20 they just for monthly service charges?

21 A. Neither. The charges listed on the U S West
22 billing indicate a phone card charge of 39.99.

23 CHAIRMAN BURG: But it was a 39.99 actually
24 for calls made, or just for the convenience of the
25 card?

1 A. Just for the phone card. Now, on subsequent
2 billings from this company when they directly billed,
3 they billed for 333 minutes, and it isn't an itemized
4 listing of long distance calls. It's a listing of
5 minutes. Now, whether those are supposed to be phone
6 card minutes or just long distance minutes, it is not
7 indicated.

8 CHAIRMAN BURG: None of the records that you
9 have show any itemization of those 333 minutes?

10 A. That's right.

11 CHAIRMAN BURG: And do you know was Evelyn
12 Weaver PIK'd to Western in U S West's records?

13 A The billing from U S West indicates that the
14 interLATA company was AT&T; however, there are no
15 charges from AT&T.

16 CHAIRMAN BURG: So this was either a dial
17 around -- I mean, if there were any calls made, which
18 so far we don't have any record of any calls being made
19 using this company; is that correct?

20 A. That's correct.

21 CHAIRMAN BURG: Okay.

22 COMMISSIONER SCHOENFELDER: I have one more
23 question about the bill and maybe it's just my
24 confusion; I'm not looking at it right. But the bill I
25 have before me says the previous balance was 23.95.

1 333 minutes looks to me like it's a flat package.
2 Whether you use it or not, you're probably going to get
3 billed. And there's a monthly charge of \$20; you wind
4 up with 49.38. And yet I believe I saw something in my
5 file that says that they had -- yeah, they had issued a
6 39.99 credit. So they didn't even credit for
7 everything they charged him; is that true, or am I
8 reading it wrong?

9 A. We have received two letters from Western
10 Telecom. The first one we received concerning this
11 issue was August 23rd in which they indicate a credit
12 of 39.99, and then following on September 10th we
13 received another letter, that's Exhibit 4.

14 COMMISSIONER SCHOENFELDER: Okay. I didn't
15 read that one.

16 A. Exhibit 4 indicates that the account is
17 canceled and no monies are owed, so I'm assuming that
18 somewhere they caught up with themselves.

19 COMMISSIONER SCHOENFELDER: Either that or
20 they just blanketed it, one or the other.

21 COMMISSIONER NELSON: Have we ever decided if
22 these people have a certificate of authority?

23 A. We have requested that information from this
24 company multiple times. The confusion that I have is
25 we do have two long distance companies with similar

1 names, but I cannot get this company to tell me if they
2 are associated with either of those. One company is
3 listed as Western Telecommunications, Inc. Another
4 company is listed as Western Telco.

5 In response to inquiries that we have made on
6 other matters, we have received a response from Western
7 Telecom indicating that Morgan Rucker does not
8 personally know if they are certified or not. And that
9 is the only response we have received from the company
10 in regard to a certificate of authority.

11 COMMISSIONER NELSON: Have you actually
12 talked to anybody from the company, or are they only
13 corresponding by letter?

14 A. I personally have only corresponded.

15 COMMISSIONER NELSON: And they have never
16 called us, and we couldn't reach them when we called
17 their number?

18 A. I have not been contacted by phone. I
19 believe Staff Attorney Hoseck has spoken to people from
20 this company, Pam.

21 MS. WIEST: Could we get the other bills in
22 the record then that shows the U S West -- just mark
23 that as another exhibit. I don't know if it was just
24 one U S West bill, or do you have anything else besides
25 that, Leni?

1 A. I just have the one.

2 MS. WIEST: We'll put that in the record as
3 Exhibit 5.

4 CHAIRMAN BURG: Counsel, I might suggest that
5 commission staff counsel put as a late-filed exhibit
6 whatever other phone records might be pertinent that
7 the witness had. Would that be plausible?

8 MS. WIEST: The ones that he had?

9 CHAIRMAN BURG: Specially the following month
10 bill, which she indicated would show whether U S West
11 removed those or what happened.

12 MS. WIEST: Maybe what we can do for Exhibit
13 6, if we could make copies of the bills that Mr. Hamann
14 has brought, and we will put them all in as Exhibit 6
15 for the record.

16 CHAIRMAN BURG: Okay. And we can file them
17 late-filed? We don't have --

18 MS. WIEST: We can do it right after and put
19 them in today. Anything else?

20 CHAIRMAN BURG: I guess the question that
21 came to me then, now, you contacted Western Telecom.
22 We do have a certificate of authority with them; is
23 that correct?

24 A. I contacted Western Telecom and asked if they
25 could explain to me if they did, in fact, have a

1 certificate of authority.

2 CHAIRMAN BURG: And was it this Mr. Morgan
3 Rucker that responded?

4 A. I believe Morgan is a female, but, yes, she
5 responded.

6 CHAIRMAN BURG: And so then that's also the
7 same Morgan that responded that all bills were
8 canceled?

9 A. That's true.

10 CHAIRMAN BURG: So I mean it indicates some
11 connection or else they're throwing a broad blanket to
12 try to satisfy. That's the only thing I can say that
13 makes any connection with that particular company;
14 would that be correct?

15 A. I don't know if I can make that assumption
16 for you.

17 CHAIRMAN BURG: But at least the same one
18 that you contacted as being the person to contact from
19 Western Telecom sent this letter saying that the
20 account was canceled completely; is that right?

21 A. That's right, that's right.

22 MS. WIEST: And when the Western
23 Telecommunications, Inc., and Western Telco -- did you
24 look to see if that -- were the addresses the same?

25 A. The addresses are not the same.

1 MS. WIEST: They're not the same? Thank
2 you. Any other questions? Thank you. Any other
3 witnesses?

4 MR. HOSECK: Yes. At this time I would like
5 to call Delaine Kolbo to the stand, please.

6 DELAINE KOLBO,
7 called as a witness, being first duly sworn,
8 was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY MR. HOSECK:

11 Q. Would you state your name for the record,
12 please?

13 A. Delaine Kolbo.

14 Q. What is your job?

15 A. I'm the legal secretary for the Public
16 Utilities Commission.

17 Q. And approximately how long have you had that
18 position?

19 A. Almost four years.

20 Q. And does your job include sending out various
21 orders with the Commission from time to time?

22 A. Yes, it does.

23 Q. And how are these typically sent?

24 A. First class mail.

25 Q. Have you been present in the hearing room

1 this morning to hear the testimony of Leni Healy?

2 A. Yes.

3 Q. And with regard to complaints as they come
4 in, it was her testimony that you send them out to the
5 utility company. Is that a correct statement?

6 A. Yes, it is.

7 Q. And how do you send those complaints to the
8 utility company?

9 A. When I get the complaint to open the docket,
10 I fax the complaint to the company.

11 Q. And was that done in this particular case?

12 A. Yes, it was.

13 MR. HOSECK: Okay.

14 (EXHIBIT NO. 7 WAS MARKED FOR
15 IDENTIFICATION.)

16 Q. I'm going to show you what has been
17 previously marked as Exhibit 7 and ask you to tell the
18 Commissioners what that document is?

19 A. It is an order finding probable cause and
20 notice requiring answer.

21 MR. HOSECK: I would move Exhibit 7 into the
22 record.

23 MS. WIEST: Any objection to Exhibit 7? If
24 not, it's admitted.

25 Q. And was this document one that you forwarded

1 to Western Telecom?

2 A. Yes.

3 Q. In this particular case? And what date was
4 that sent?

5 A. I mailed that on August 30th, 1999.

6 Q. And to what address was that sent?

7 A. I mailed it to Evelyn Weaver at 624 West
8 Dakota in Pierre and Western Telecom at 4955 West
9 Napoleon Avenue, Suite 294, Metairie, Illinois, 70001.

10 Q. And did you ever have any indication that
11 that document was not received by Western Telecom in
12 this particular case?

13 A. No.

14 Q. In other words, it didn't come back to you as
15 undeliverable or anything of that nature?

16 A. No.

17 COMMISSIONER SCHOENFELDER: Could I just for
18 the record ask if the address was Illinois or
19 Louisiana?

20 A. Illinois.

21 COMMISSIONER SCHOENFELDER: My sheet shows
22 Louisiana. That's why I'm asking.

23 A. Louisiana, you're right.

24 COMMISSIONER SCHOENFELDER: I just wanted to
25 make sure the record is right. Thank you.

1 (EXHIBIT NO. 8 WAS MARKED FOR
2 IDENTIFICATION.)

3 Q. I'm going to show you what has been marked as
4 Exhibit 8 and ask you to identify that document.

5 A. It's an order for a notice of hearing.

6 Q. And that is in this particular case; is that
7 correct?

8 A. Yes.

9 MR. HOSECK: I would move Exhibit 8 into the
10 record.

11 MS. WIEST: Any objection? If not, it's
12 admitted.

13 Q. And is Exhibit 8 a document that you sent out
14 in your capacity with the Commission?

15 A. Yes.

16 Q. And what date was that sent on?

17 A. That was sent on September 10th, 1999.

18 Q. And how was that sent?

19 A. First class mail.

20 Q. And to whom was it sent?

21 A. And that would have gone to Evelyn Weaver at
22 624 West Dakota in Pierre and Western Telecom at 4955
23 West Napoleon Avenue, Suite 294 Metairie, Louisiana,
24 70001.

25 Q. Okay. And was this document ever returned to

1 you by the U.S. Postal Services in such a manner to
2 indicate it was undeliverable?

3 A. No.

4 MR. HOSECK: I have no further questions of
5 this witness.

6 MS. WIEST: Commissioners?

7 CHAIRMAN BURG: Where did you originally get
8 the address that you sent this to?

9 A. I got that from Leni.

10 CHAIRMAN BURG: And then where did that come
11 from, one that we have certificated?

12 MS. WIEST: You would have to call Leni back
13 to the stand.

14 A. No. She just gave me a little piece of paper
15 with the phone number.

16 CHAIRMAN BURG: The only thing I saw we had
17 available up to that time was the bill which has a
18 different address. It has a Seattle, Washington,
19 address.

20 A. Right.

21 CHAIRMAN BURG: Did we send anything to
22 Seattle, Washington?

23 A. No. When I got ready to send the order, I
24 checked with Leni where to mail it to and she gave me
25 this piece of paper with this address.

1 MS. WIEST: We can call her back.

2 CHAIRMAN BURG: I guess I would like to call
3 her back to find out how we got that address.

4 MS. WIEST: Any other questions for Delaine?
5 Thank you.

6 We can call Leni back to the stand.

7 LANIECE HEALY,
8 called as a witness, being previously sworn,
9 was examined and testified as follows:

10 DIRECT EXAMINATION

11 A. If the question is where did I get that
12 address, we have been working on other complaints with
13 this company; and a response on a previous complaint
14 listed the Louisiana address.

15 CHAIRMAN BURG: Why would we not use the
16 address that was in the complaint?

17 A. I believe we had and had not gotten a
18 response, so I took the address off from their
19 letterhead

20 MS. WIEST: Any other questions? Do you have
21 any other witnesses?

22 MR. HOSECK: No further witnesses. I have
23 just been furnished copies of what would be Exhibit 6
24 for inclusion in the record.

25 MS. WIEST: Okay.

1 (EXHIBIT NO. 6 WAS MARKED FOR
2 IDENTIFICATION.)

3 MS. WIEST: If there's no objection to
4 Exhibit 6, that exhibit has been offered and received.

5 At this time, Mr. Hamann, do you have
6 anything else that you would like to add?

7 A. Not that I can think of.

8 MS. WIEST: Thank you. Any closing
9 statement, Mr. Hoseck?

10 CHAIRMAN BURG: Just a minute. I have a
11 question here. There seems to be a difference in the
12 copies. Did we get just one copy of each bill?

13 MR. HOSECK: Those were not multiple copies.
14 Those should all be the exhibit.

15 CHAIRMAN BURG: I thought that should be the
16 case.

17 MS. WIEST: Mr. Hoseck, do you have a
18 closing?

19 MR. HOSECK: Nothing other than that I'm
20 going to file a letter brief with the Commission on
21 this matter. And the purpose of this is to convey
22 staff's position that since a billing in this matter
23 took place after July 1 for an unauthorized charge for
24 a product or a service, that it is staff's position
25 that Western Telecom is liable for \$1,000 to the

1 subscriber.

2 MS. WIEST: Thank you.

3 CHAIRMAN BURG: Question on that. Are you
4 also recommending the damages that the complainant
5 submitted?

6 MR. HOSECK: I don't make a recommendation in
7 that matter. That is the evidence before the
8 Commission, and that is your decision as to whether or
9 not that is awardable.

10 CHAIRMAN BURG: Okay.

11 MS. WIEST: Anything else?

12 COMMISSIONER NELSON: I have two questions.
13 I guess one for Leni and one for Delaine. Leni, do you
14 believe that this company has a certificate of
15 authority?

16 MS. HEALY: I really don't know.

17 COMMISSIONER NELSON: Okay. Then I guess I'd
18 ask Delaine the same question because don't you also
19 keep a list of --

20 MS. KOLBO: Yes.

21 COMMISSIONER NELSON: Do you believe this
22 company has a certificate of authority?

23 MS. KOLBO: I'm not sure. They don't under
24 Western Telecom. If they do it's under a different
25 name. And like Leni said, it could be like under

1 Western Telecommunications or -- but under Western
2 Telecom there's none on our list.

3 COMMISSIONER NELSON: Thank you.

4 MR. HOSECK: Might I respond to that? If the
5 Commission recalls, at a prior meeting the question
6 whether or not this company was certificated was a
7 matter that staff was asked to look into. We are in
8 the process of looking into that.

9 It is our position in this particular case
10 though, however, whether or not there is a certificate
11 of authority has no bearing on the issue of the whether
12 there was a finding of probable cause by this
13 Commission of the company's activities.

14 This is not closed. It's an ongoing thing.
15 And we're not prepared at that point in time to discuss
16 it in any detail with the Commission because, quite
17 frankly, we have not gotten our work done on getting
18 the investigation completed.

19 COMMISSIONER SCHOENFELDER: But you are going
20 to pursue this and this docket and other dockets
21 whether they are certificated and whether they're
22 paying sales tax in South Dakota?

23 MR. HOSECK: We are pursuing that question.

24 COMMISSIONER SCHOENFELDER: I want to make
25 sure that's going to be ongoing no matter what happens

1 in this docket.

2 MR. HOSECK: That is the reason that I am
3 keeping it separate. The Revenue Department and the
4 Secretary of State's office is in the loop on that.

5 COMMISSIONER SCHOENFELDER: Thank you.

6 MR. HOSECK: It's just not complete.

7 CHAIRMAN BURG: Do you have any
8 recommendation? I need a little clarification again
9 yet. When was the first bill from this company
10 received, whoever can answer?

11 MS. HEALY: The company billed through an
12 aggregator called National Billing Exchanges, which was
13 listed on the U S West billing that Evelyn Weaver
14 received in April. The company then billed separately
15 in July.

16 CHAIRMAN BURG: Okay.

17 MS. WIEST: I would recommend that the
18 Commission take it under advisement and close the
19 hearing at this time.

20 CHAIRMAN BURG: All right.

21 MS. WIEST: Thank you.

22 (THE HEARING CONCLUDED AT 9:11 A.M.)
23
24
25

1 STATE OF SOUTH DAKOTA)
2)
3 COUNTY OF HUGHES)
4

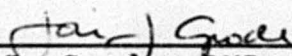
5 I, LORI J. GRODE, Registered Merit Reporter
6 and Notary Public in and for the State of South
7 Dakota:

8 DO HEREBY CERTIFY that the above hearing,
9 pages 1 through 33, inclusive, was recorded
10 stenographically by me and reduced to typewriting.

11 I FURTHER CERTIFY that the foregoing
12 transcript of the said hearing is a true and correct
13 transcript of the stenographic notes at the time and
14 place specified hereinbefore.

15 I FURTHER CERTIFY that I am not a relative or
16 employee or attorney or counsel of any of the parties,
17 nor a relative or employee of such attorney or counsel,
18 or financially interested directly or indirectly in
19 this action.

20 IN WITNESS WHEREOF, I have hereunto set my
21 hand and seal of office at Pierre, South Dakota, this
22 27th day of September 1999.

23 
24 _____
25 Lori J. Grode, RMR, RPR

KEEP THIS PORTION FOR YOUR RECORDS

EXHIBIT

9-23-99 16

YOUR DISCOUNT LONG DISTANCE PHONE BILL



Evelyn Weaver
624 W Dakota Ave
Apt 3
Pierre, SD 57501-1803

1
145

BILLING DATE: 07/11/99
ACCOUNT # 6052247957

DUE DATE: 10 Days

T02

Service Charge: \$3.95

Recharge on the 7th

PREVIOUS BALANCE	MINUTES	ACTIVATION FEE	MONTHLY CHARGE	TAX	PAY THIS AMOUNT
\$23.95	333	\$0.00	\$20.00	\$1.48	\$49.38

Western Telecom offers you Bonus Minutes for each friend or relation you sign up.

It's easy, it's fun and gives you additional long distance savings.

PAST DUE • FRIENDLY REMINDER



Our Name Has Changed! TouchTone has been purchased by Western Telecom, a division of Tradex International, Inc. Soon you will notice a change in the logo, but the great service and great long distance rates that you expect from TouchTone will remain the same.

PLEASE RETURN THIS STUB WITH YOUR PAYMENT

Account #: 6052247957

Service Charge: \$3.95

Due Date: 10 Days

PREVIOUS BALANCE	MINUTES	ACTIVATION FEE	MONTHLY CHARGE	TAX	PAY THIS AMOUNT
\$23.95	333	\$0.00	\$20.00	\$1.48	\$49.38

Questions? Customer Service and Billing Inquiries
Monday - Friday 9 a.m. to 5 p.m. EST

1-888-814-2566



Remit To: Western Telecom
P.O. Box 84993
Seattle, WA 98124-5293

2 006052247957 004938 7



EXHIBIT

2

9-23-99

Evelyn Weaver
624 W Dakota Ave Apt 3
Pierre, SD 57501

Monday, August 23, 1999

Attention :

Our customer service records show we spoke with someone from your household on 04/28/99 regarding a 6 cents per minute long distance flat rate billing plan.

Unfortunately the South Dakota PUC has brought to our attention your formal complaint, in turn the Quality Control department noticed a problem with the verbal contract made on the above date. Our service was sold to an unauthorized person.

Western Telecom accepts full responsibility and has not only canceled the sale, but we also issued a full credit towards your local telephone bill in the amount of \$39.99 so you cannot be liable for that charge.

We would like to apologize for any inconvenience this may have caused you. Enclosed you will find a free 15 minute long distance calling card.

*ase feel free to contact us at our toll-free customer service number
'8-814-2566 between 9am-5pm CST.*

telecom
ervice Department

EXHIBIT

3

9-23-99

Travel to get help to figure
out charges/charging of companies,
etc

Time involved for 3 mos.

18 ~~hrs~~ hrs x \$8.50

\$15.00

= ~~25.00~~

153.00

Frustration - trying to get it
resolved/no explanation of

'services' etc

500.00

Extra charges (US West
late charges)

= 6.00

~~\$67.50~~

Receiving bills from 2 companies
(Touch Tone & Western Telecom),
finally 2nd notice from Western
stated Touch Tone had been
purchased)

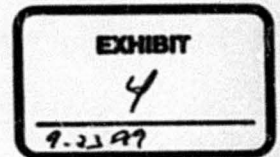
Two bills rec'd showed
conflicting amounts charged -

~~75.00~~

Trying to reach these companies
but getting recordings, busy
signals, "phone no longer
in service" message, etc.



CT 99-024



South Dakota PUC
500 East Capitol Ave.
Pierre, SD 57501-5070
Attention: Consumer Affairs

September 10, 1999

RECEIVED

SEP 16 1999

Re: Ms. Evelyn Weaver

SOFT
UTILITY COMPANY

The account is canceled and no monies are owed. Enclosed is the copy of the letter mailed to Evelyn Weaver.

If Western Telecom can be of any future assistance please contact us at 1-888-814-2566 between 9am-5pm CST.

Sincerely,

Ms. Morgan Rucker
Consumer Complaint Department

July 14, 1999

Charlene Lund
PUC
State Capitol Building
Pierre SD 57501

Dear Ms. Lund:

Attached are copies of some bills and information received regarding Western Telecom. As you will note, there are two billing agencies involved. No charges had previously been authorized and no product or services have been received to date.

A copy of this letter is being sent to US West with the unauthorized amount deducted from the total bill.

The bill is addressed to Evelyn Weaver, my mother.

Please keep me advised as to the status of these unauthorized charges.

Sincerely,

Ernie Hamann

Ernie Hamann
624 W Dakota Ave
Pierre SD 57501

Phone: 224-7957-evenings

Call Carol at 773-3247 Daytime



National Billing Exchange, Inc.

For questions call 1-800-878-4297

879.4277

Page 3

THESE CHARGES ARE FOR NON TELECOMMUNICATIONS SERVICES AND PRODUCTS. NEITHER LOCAL NOR LONG DISTANCE SERVICES CAN BE DISCONNECTED FOR NONPAYMENT OF THESE CHARGES. SPECIALIZED SERVICES PROVIDERS MAY EMPLOY OTHER AGENCIES TO COLLECT DELINQUENT SERVICES AND PRODUCTS CHARGES, EVEN IF PREVIOUSLY ADJUSTED FROM YOUR BILL.

SPECIALIZED SERVICES AND PRODUCTS

NO.	TIME	PLACE	AREA-NUMBER	TYPE	MIN
-----	------	-------	-------------	------	-----

MISCELLANEOUS CHARGES AND CREDITS

NO.	ITEM
-----	------

WESTERN TELECOM

APR 28 1. PHONE CARD

(MISCELLANEOUS CHARGES AND CREDITS SUBTOTAL

39.00)

39.00

TOTAL SPECIALIZED SERVICES AND PRODUCTS

39.00

TOTAL NATIONAL BILLING EXCHANGE CHARGES

39.00

THE PORTION OF YOUR BILL IS PROVIDED AS A SERVICE TO NATIONAL BILLING EXCHANGE. THERE IS NO CONNECTION BETWEEN U S WEST AND NATIONAL BILLING EXCHANGE.

PUC

Sat

"

"

"

"

"

Pm

NISBY
Inquiry Center Manager
Ste 101 E-1516 E Colonial Dr
Orlando FL 32803

USWEST



C008

AUTOOR
EVELYN E WEAVER
824 W DAKOTA AVE APT 3
PIERRE SD 57501-1803



665059911760599

EXHIBIT

5

9-23-77

KEEP THIS PORTION FOR YOUR RECORDS

YOUR DISCOUNT LONG DISTANCE PHONE BILL



Evelyn Weaver
624 W Dakota Ave
Apt 3
Pierre, SD 57501-1803

16
3038

BILLING DATE: 06/07/99
ACCOUNT # 6052247957

DUE DATE: Upon Receipt

Service Charge: \$3.95

Recharge on the 7th

PREVIOUS BALANCE	MINUTES	ACTIVATION FEE	MONTHLY CHARGE	TAX	PAY THIS AMOUNT
\$0.00	285	\$0.00	\$20.00	\$0.74	\$24.69

Western Telecom offers you Bonus Minutes for each friend or relation you sign up.

It's easy, it's fun and gives you additional long distance savings.

Effective March 15, 1999 all recharge dates that fall on Saturday,
will be recharged on the prior Friday and dates that fall on Sunday,
will be recharged on the following Monday.

PLEASE RETURN THIS STUB WITH YOUR PAYMENT

Account #: 6052247957

Service Charge: \$3.95

Due Date: Upon Receipt

PREVIOUS BALANCE	MINUTES	ACTIVATION FEE	MONTHLY CHARGE	TAX	PAY THIS AMOUNT
\$0.00	285	\$0.00	\$20.00	\$0.74	\$24.69

Questions? Customer Service and Billing Inquiries

1-888-814-2566

Monday - Friday 9 a.m. to 5 p.m. EST



Evelyn Weaver
624 W Dakota Ave
Apt 3
Pierre, SD 57501-1803

Remit To: Touchtone Communications
1800 Westlake Ave. N., Suite 301
Seattle, WA 98109





Account Number: 6052247957

Evelyn Weaver
624 W Dakota Ave
Apt 3
Pierre, SD 57501-1803

3
1033

Minutes: 250
Package: \$20.00
Pin: 6294109694



Dear New Customer,

Thank you for joining the Touchtone Long Distance family, where your loyalty is rewarded by remaining in the Touchtone Communications Savings Plan. The Loyalty Reward Plan works as follows:

In your first month with Touchtone, your rate will start at 8 cents per minute.

187 minutes for \$15.00

250 minutes for \$20.00

375 minutes for \$30.00

In your second month with us, your rate is decreased to 7 cents per minute.

214 minutes for \$15.00

285 minutes for \$20.00

428 minutes for \$30.00

In your third and future months, your rate is only 6 cents per minute.

250 minutes for \$15.00

333 minutes for \$20.00

500 minutes for \$30.00

We value your business and work for your complete satisfaction. If you have any questions, please call our Customer Service Department at 1-888-814-2566. Enclosed you will find your Touchtone Communications Calling Card and pin number. After you have read the attached information, you can get started immediately and start saving on all your long distance needs today! Instructions to use the service are on your cards.

Sincerely,
Touchtone Communications

PLACE
POSTAGE
HERE

Return envelope from
Touchtone

WESTERN TELECOM
P.O. Box 34749
Seattle, WA 98124-1749



Billing Format Notice

Your initial monthly charge plus the one-time activation fee will appear on your local phone bill as Western Telecom. For your convenience, all subsequent charges will be billed direct by Touchtone Communications. Your account will be assigned a recharge date and a bill date. This date will be approximately 30 days from the day you receive this package. Your monthly allotment of minutes will expire and recharge every month on the same date by midnight that evening. Your bill date will also be on this same date. You have 14 days to submit your payments. If payments are not received within 14 days from the receipt of the bill, your minutes will expire at the end of the month and will not be recharged until the account is brought current. You will be held responsible for the outstanding balance. If you choose to close your account it must be done before a new billing cycle, or you will still be responsible for a portion of the next month's bill.

If you have any questions regarding billing or service, please call Touchtone Communications at:

1-888-814-2566

9-5 EST M-F

**We are here to assist
you in any way possible.**

Balance Forward	New Charges	Total Amount Due	Due Date for New Charges
\$0.00	\$43.02	\$43.02	May 15, 1999

Account Summary

▼ Previous Balance		
Charges		29.68
Payment	Thank you for your payment	29.68
Balance Forward		\$0.00
▼ New Charges	For questions, call:	
U S WEST	1-800-244-1111	26.94
AT&T	1-800-222-0300	16.08
Total New Charges		\$43.02
TOTAL AMOUNT DUE		\$43.02

We appreciate your business.

A late payment charge of 1.5% or minimum of \$1.00 may apply if total amount due does not reach us by May 25, 1999.

The company you have chosen for interLATA calls (long distance calls outside your local toll calling area) is AT&T.

If this company has not been authorized call 1 800 922-1879.

Want to know who just called? Press *69 - Last Call Return from U S WEST and you can find out. It's easy to use, only 75¢ per use, and never more than \$6.00 per month. It's already on your line, so go on, try it. Use *69... your affordable choice for Last Call Return.

U S WEST, PO Box 9301, Des Moines, IA 50306-9301
Visit us 24 hours a day at www.uswest.com.

▼ LOCAL SERVICES

MONTHLY SERVICE-APR 25 THRU MAY 24 224-7957	16.55
BASIC SERVICES	
These services are necessary for you to use your telephone.	
RESIDENCE LINE	16.55
FEDERAL ACCESS CHARGE	3.50
911 EMERGENCY SURCHARGE	.75
TELECOMMUNICATIONS RELAY SERVICES	.15
TAX- FED 60 ST&OC 120	1.80

U S WEST LOCAL SERVICES \$22.75

▼ UNREGULATED SERVICES

MONTHLY SERVICE-APR 25 THRU MAY 24 224-7957	3.95
OPTIONAL SERVICES	
These services are provided at your request and are not required as part of your basic telephone service.	
LINE-BACKER(TM) OPTIONAL INSIDE WIRE REPAIR PLAN	3.95
TAX- ST&OC 24	.24

U S WEST UNREGULATED SERVICES CHARGES \$4.19

EXHIBIT

9-22-99



Page 3

AT&T Summary of Charges For April

Description	Page	Calls	Min	Amount
AT&T Itemized Long Distance Calls	3	4	100	12.05
AT&T Other Charges and Credits	4			3.56
Taxes And Surcharges	4			.47
		4	100	

Total AT&T Summary of Charges For April \$16.08

AT&T Messages

From now on when your AT&T long distance charges are less than \$30 for any one month, or less than \$30 for two months in a row, these charges will not be included in your phone bill. On the third month, regardless of your total AT&T calling charges, all AT&T charges will appear on your monthly phone bill.

AT&T Itemized Long Distance Calls

• Direct Dialed Calls
Domestic Calls

Date	Time	Place And Number Called	Type	Rate	Min	Amount
1. FEB 28	7:12P	To VERNON TX 940 553-1131	Direct	N/Wkd	32	3.68
2. MAR 07	9:45A	To VERNON TX 940 553-1131	Direct	N/Wkd	41	4.72
3. MAR 14	2:22P	To VERNON TX 940 553-1131	Direct	N/Wkd	15	1.73

Page 4

Date	Time	Place And Number Called	Type	Rate	Min	Amount
1. MAR 23	7:32P	To VERNON TX 940 553-1131	Direct	Eve	12	1.92
Total Domestic Calls						12.05
Total Direct Dialed Calls						100 Minutes 12.05

Total AT&T Itemized Long Distance Calls \$12.05

AT&T Other Charges and Credits

Description	Amount
2. Universal Connectivity Charge For an explanation of this charge, please call 1 800 532-2021.	1.86
3. Carrier Line Charge For an explanation of this charge, please call 1 800 532-2021.	1.70

Total AT&T Other Charges and Credits \$3.56

Taxes And Surcharges

Description	Amount
4. Federal Tax @ 3%	.47

Total Taxes And Surcharges \$.47

This portion of your bill is provided as a service to AT&T. There is no connection between U S WEST and AT&T.





www.uswest.com

EVELYN E WEAVER
Bill Date: May 25, 1999
Account No: 605 224-7957 556

Balance Forward	New Charges	Total Amount Due	Due Date for New Charges
\$0.00	\$66.93	\$66.93	Jun 16, 1999

Account Summary

▼ Previous Balance	
Charges	43.02
Payment	Thank you for your payment 43.02
Balance Forward	\$0.00

▼ New Charges	For questions, call:
U S WEST	1-800-244-1111 26.94
Natl Bng Exch Spec Serv	1-800-879-4297 39.99
Total New Charges	\$66.93

TOTAL AMOUNT DUE \$66.93

We appreciate your business.

A late payment charge of 1.5% or minimum of \$1.00 may apply if total amount due does not reach us by Jun 25, 1999.

The company you have chosen for interLATA calls (long distance calls outside your local toll calling area) is AT&T.

If this company has not been authorized call 1 800 922-1879.

Getting friends together on the phone is easy with Instant Three Way Calling from U S WEST. Just call a friend, press the flash button down. Dial a second friend, press flash again, and you're all connected! It's only 75¢ per use and never more than \$6.00 per month. And, it's already on your line.

U S WEST, PO Box 9301, Des Moines, IA 50306-9301

Visit us 24 hours a day at www.uswest.com.



Exh 6

For questions, call 1-800-244-1111
The best days to call are Tuesday through Friday

Page 2

▼ LOCAL SERVICES

MONTHLY SERVICE-MAY 25 THRU JUN 24 16 55
224-7957

BASIC SERVICES

These services are necessary for you to use your telephone
RESIDENCE LINE 16 55

FEDERAL ACCESS CHARGE 3 50
911 EMERGENCY SURCHARGE 75
TELECOMMUNICATIONS RELAY SERVICES 15
TAX- FED 60 ST/LOC 1 20 1 80

U S WEST LOCAL SERVICES

\$22.75

▼ UNREGULATED SERVICES

MONTHLY SERVICE-MAY 25 THRU JUN 24 3 95
224-7957

OPTIONAL SERVICES

These services are provided at your request and are not required as part of your basic telephone service

LINE-BACKER(TM) OPTIONAL 3 95
INSIDE WIRE REPAIR PLAN 24
TAX- ST/LOC 24

U S WEST UNREGULATED SERVICES CHARGES

\$4.19

66.93
- 39.99

26.94
+ 66.93

93.87

U.S. Pat. No. Des 385,298

continued on back



EVELYNE E WEAVER
Account No: 605 224-7957 556
For questions, call 1-800-879-4297

Page 3

THESE CHARGES ARE FOR NON TELECOMMUNICATIONS SERVICES AND PRODUCTS. NEITHER LOCAL NOR LONG DISTANCE SERVICES CAN BE DISCONNECTED FOR NONPAYMENT OF THESE CHARGES. SPECIALIZED SERVICES PROVIDERS MAY EMPLOY OTHER AGENCIES TO COLLECT DELINQUENT SERVICES AND PRODUCTS CHARGES, EVEN IF PREVIOUSLY ADJUSTED FROM YOUR BILL.

SPECIALIZED SERVICES AND PRODUCTS

NO.	TIME	PLACE	AREA - NUMBER	TYPE	MIN
-----	------	-------	---------------	------	-----

MISCELLANEOUS CHARGES AND CREDITS

NO.	ITEM
-----	------

WESTERN TELECOM

APR 29 1 10 PM '68

(MISCELLANEOUS CHARGES AND CREDITS SUBTOTAL)

39.99)

39.99

TOTAL SPECIALIZED SERVICES AND PRODUCTS

39.99

TOTAL NATIONAL BILLING EXCHANGE CHARGES

39 99

THIS PORTION OF YOUR BILL IS PROVIDED AS A SERVICE TO NATIONAL BILLING EXCHANGE
THERE IS NO CONNECTION BETWEEN U.S. WEST AND NATIONAL BILLING EXCHANGE

PUC

NIBB
 Inquiry Center Manager
 54-101 E-1516 E Colonial Dr
 Orlando FL 32803



www.uswest.com

EVELYN E WEAVER
 Bill Date: Jun 25, 1999
 Account No: 605 224-7957 556

Balance Forward	New Charges	Total Amount Due	Due Date for New Charges
\$66.93	\$64.80	\$131.73	Jul 16, 1999

Account Summary

▼ Previous Balance	
Charges	66.93
Balance Forward	\$66.93
▼ New Charges	
U S WEST	27.94
AT&T	36.86
Total New Charges	\$64.80
TOTAL AMOUNT DUE	\$131.73

We appreciate your business.

A late payment charge of 1.5% or minimum of \$1.00 may apply if total amount due does not reach us by Jul 25, 1999.

The company you have chosen for interLATA calls (long distance calls outside your local toll calling area) is AT&T.

If this company has not been authorized call 1 800 922-1879.



Eph. 6

For questions, call 1-800-244-1111
 The best days to call are Tuesday through Friday

Page 2

▼ LOCAL SERVICES

MONTHLY SERVICE-JUN 25 THRU JUL 24 224-7957	16 55
BASIC SERVICES	
These services are necessary for you to use your telephone	
RESIDENCE LINE	16 55
FEDERAL ACCESS CHARGE	3 50
911 EMERGENCY SURCHARGE	75
TELECOMMUNICATIONS RELAY SERVICES	15
TAX- FED 60 STA LOC 120	1 80
LATE PAYMENT CHARGE ON 66 93	1 00

U S WEST LOCAL SERVICES

\$23.75

▼ UNREGULATED SERVICES

MONTHLY SERVICE-JUN 25 THRU JUL 24 224-7957	3 95
OPTIONAL SERVICES	
These services are provided at your request and are not required as part of your basic telephone service	
LINE-BACKER(TM) OPTIONAL	
INSIDE WIRE REPAIR PLAN	3 95
TAX- STA LOC 24	24

U S WEST UNREGULATED SERVICES CHARGES

\$4.19

= 64.80

On 6-17-99, U S WEST is eliminating distance sensitivity on direct-dialed Local Long Distance rates. The new off-peak rate is 19¢ per minute (M-F 5pm-7:59am & all weekend long); peak rate is 29¢ per minute (8am-4:59pm M-F). If you have any questions or for more information on discounted calling plans call 1-800-244-1111.

U S WEST, PO Box 737, Des Moines, IA 50338-0001
 Visit us 24 hours a day at www.uswest.com.

U.S. Pat. No. Des 365,298

continued on back



EVELYN E WEAVER
Account No: 605 224-7957 556
For billing questions or to place an order, call 1-800-222-0300



EVELYN E WEAVER
Account No: 605 224-7957 556
For billing questions or to place an order, call 1-800-222-0

Page 3

AT&T Summary of Charges For June

Description	Page	Calls	Min	Amount
AT&T Itemized Long Distance Calls	3	9	219	32.22
AT&T Other Charges and Credits	4			3.56
Taxes And Surcharges	4			1.08
		9	219	

Total AT&T Summary of Charges For June **\$36.86**

AT&T Messages

As the industry leader, AT&T is committed to providing a smooth transition into the Year 2000 and beyond. And we are proud to share with you that AT&T is on target to successfully meet the Year 2000 challenge. Since 1996, we have been preparing our services for the next century, and expect to be compliant by June 30, 1999. To find out more, visit www.att.com/year2000 or call our customer service number found on this bill.

AT&T Itemized Long Distance Calls

• Direct Dialed Calls Domestic Calls

Date	Time	Place And Number Called	Type	Rate	Min	Amount
1. APR 18	8:28P	To VERNON TX 940 553-1131	Direct N/Wkd		33	3.80
2. APR 25	4:52P	To VERNON TX 940 553-1131	Direct N/Wkd		29	3.34
3. MAY 05	8:13P	To VERNON TX 940 553-1131	Direct Eve		21	3.36
4. MAY 05	8:35P	To VERNON TX 940 553-1131	Direct Eve		11	1.76
5. MAY 14	10:37P	To VERNON TX 940 553-1131	Direct Eve		30	4.80
6. MAY 23	2:48P	To VERNON TX 940 553-1131	Direct N/Wkd		1	.12
7. JUN 02	7:52P	To VERNON TX 940 553-1476	Direct Eve		8	1.28

Page 4

Date	Time	Place And Number Called	Type	Rate	Min	Amount
1. JUN 09	8:56P	To VERNON TX 940 553-1476	Direct Eve		38	5.76
2. JUN 14	10:11P	To VERNON TX 940 553-1476	Direct Eve		50	8.00
Total Domestic Calls					219 Minutes	32.22
Total Direct Dialed Calls					219 Minutes	32.22

Total AT&T Itemized Long Distance Calls **\$32.22**

AT&T Other Charges and Credits

Description	Amount
3. Universal Connectivity Charge For an explanation of this charge, please call 1 800 532-2021.	1.86
4. Carrier Line Charge For an explanation of this charge, please call 1 800 532-2021.	1.70

Total AT&T Other Charges and Credits **\$3.56**

Taxes And Surcharges

Description	Amount
5. Federal Tax @ 3%	1.08

Total Taxes And Surcharges **\$1.08**

This portion of your bill is provided as a service to AT&T. There is no connection between U S WEST and AT&T.



www.uswest.com

EVELYN E WEAVER
Bill Date: Jul 25, 1999
Account No: 605-224-7957 555

Balance Forward	New Charges	Total Amount Due	Due Date for New Charges
\$76.85	\$28.09	\$104.94	Aug 14, 1999

Account Summary

▼ Previous Balance		
Charges		131.73
Payment	Thank you for your payment	54.88
Balance Forward		\$76.85
▼ New Charges		
U S WEST	For questions, call: 1-800-244-1111	28.09
Total New Charges		\$28.09
TOTAL AMOUNT DUE		\$104.94

We appreciate your business.

A late payment charge of 1.5% or minimum of \$1.00 may apply if total amount due does not reach us by Aug 25, 1999.

The company you have chosen for interLATA calls (long distance calls outside your local toll calling area) is AT&T.

The company you have chosen for intraLATA calls (long distance calls inside your local toll calling area) is U S WEST.

If this company has not been authorized call 1 800 922-1879.

Subject to Federal Communications Commission (FCC) approval, on July 1st the Presubscribed Interexchange Carrier Charge (PICC) will increase to \$1.04 for residence single line customers and \$2.53 for additional (non-primary) residential lines.

U S WEST, PO Box 737, Des Moines, IA 50338-0001
Visit us 24 hours a day at www.uswest.com.



For questions, call 1-800-244-1111
The best days to call are Tuesday through Friday

Page 2

▼ LOCAL SERVICES

MONTHLY SERVICE-JUL 25 THRU AUG 24 224-7957	16 55
BASIC SERVICES	
These services are necessary for you to use your telephone.	
RESIDENCE LINE	16 55
FEDERAL ACCESS CHARGE	3 50
911 EMERGENCY SURCHARGE	75
TELECOMMUNICATIONS RELAY SERVICES	15
TAX- FED 60 STAOC 1 20	1 80
LATE PAYMENT CHARGE ON 76 85	1 15

U S WEST LOCAL SERVICES

\$23.90

▼ UNREGULATED SERVICES

MONTHLY SERVICE-JUL 25 THRU AUG 24 224-7957	3 95
OPTIONAL SERVICES	
These services are provided at your request and are not required as part of your basic telephone service.	
LINE-BACKER(TM) OPTIONAL	
INSIDE WIRE REPAIR PLAN	3 95
TAX- STAOC 24	24

U S WEST UNREGULATED SERVICES CHARGES

\$4.19

Called US West 8-6-99-
will take 60-90 days to
see if phone card
cancelled.

June Bill 26.94
July 19.74
52.89
119.72
one now

104.94
39.90
64.94
Phone card

92.89
12.30
80.59

U.S. Pat. No. Des 385,298

continued on back



www.uswest.com

EVELYN E WEAVER
Bill Date: Aug 25, 1999
Account No: 605 224-7957 556

Balance Forward	New Charges	Total Amount Due	Due Date for New Charges
\$104.94	\$28.51	\$133.45	Sep 15, 1999

Account Summary

▼ Previous Balance		
Charges		104.94
Balance Forward		\$104.94
▼ New Charges		
U S WEST	For questions, call:	28.51
Total New Charges	1-800-244-1111	\$28.51
TOTAL AMOUNT DUE		\$133.45

We appreciate your business.

A late payment charge of 1.5% or minimum of \$1.00 may apply if total amount due does not reach us by Sep 25, 1999.

Concerned about Y2K? Relax. You can count on U S WEST to keep your phone service running smoothly. For more details about what U S WEST is doing to stay Y2K compliant visit us at www.uswest.com/year2000. Be sure to check your non-U S WEST phone equipment to ensure it's compliant as well.

U S WEST, PO Box 737, Des Moines, IA 50338-0001

Visit us 24 hours a day at www.uswest.com.



For questions, call 1-800-244-1111
The best days to call are Tuesday through Friday

Page 2

▼ LOCAL SERVICES

MONTHLY SERVICE-AUG 25 THRU SEP 24	16 55
224-7957	
BASIC SERVICES	
These services are necessary for you to use your telephone.	
RESIDENCE LINE	16 55
FEDERAL ACCESS CHARGE	3 50
911 EMERGENCY SURCHARGE	75
TELECOMMUNICATIONS RELAY SERVICES	15
TAX- FED 60 STAOC 120	1 80
LATE PAYMENT CHARGE ON 104 94	1 57

U S WEST LOCAL SERVICES **\$24.32**

▼ UNREGULATED SERVICES

MONTHLY SERVICE-AUG 25 THRU SEP 24	3 95
224-7957	
OPTIONAL SERVICES	
These services are provided at your request and are not required as part of your basic telephone service.	
LINE-BACKER(TM) OPTIONAL	
INSIDE WIRE REPAIR PLAN	3 95
TAX- STAOC 24	24

U S WEST UNREGULATED SERVICES CHARGES **\$4.19**

8
93.46

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED)
BY EVELYN WEAVER, PIERRE, SOUTH)
DAKOTA, AGAINST WESTERN TELECOM)
REGARDING UNAUTHORIZED BILLING FOR)
SERVICES)

ORDER FINDING
PROBABLE CAUSE AND
NOTICE REQUIRING
ANSWER
CT99-024

On August 5, 1999, the Public Utilities Commission (Commission) received a complaint filed by Evelyn Weaver, Pierre, South Dakota (Complainant), against Western Telecom (Western). Complainant alleges that she was billed for unauthorized service.

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 August 17, 1999, the Commission considered this matter. Commission Staff recommended a finding of probable cause.

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, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission voted unanimously to find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and that the complaint shall be forwarded to Western and Western shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 26th 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: Nelaine Kelbo

Date: 8/30/99

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

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

IN THE MATTER OF THE COMPLAINT FILED	)	ORDER FOR AND NOTICE
BY EVELYN WEAVER, PIERRE, SOUTH	)	OF HEARING
DAKOTA, AGAINST WESTERN TELECOM)	
REGARDING UNAUTHORIZED BILLING FOR	)	CT99-024
SERVICES)	

On August 5, 1999, the Public Utilities Commission (Commission) received a complaint filed by Evelyn Weaver, Pierre, South Dakota (Complainant), against Western Telecom (Western). Complainant alleges that she was billed for unauthorized service.

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 August 17, 1999, the Commission considered this matter and found there was probable cause of an unlawful or unreasonable act, rate, practice or omission, and ordered that the complaint be forwarded to Western for an answer to be filed within twenty (20) days of service of the order. The order was dated August 26, 1999.

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, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:08.01 and 20:10:01:09.

A hearing shall be held on September 23, 1999, beginning at 8:30 o'clock A.M., in Room 412 of the State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota. All persons so testifying will be subject to cross-examination by the parties. The order of the proceeding will be in the following sequence: (1) Complainant; (2) Western; and (3) Staff.

The issue at the hearing is whether Western committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing,



WESTERN TELECOM
A DIVISION OF TRADEX INTERNATIONAL, INC.

CORPORATE OFFICE: 701 DEXTER AVENUE N., SUITE 410
SEATTLE, WA 98109
PHONE 206.301.9009
FAX 206.301.9051

05 October 1999

VIA FAX

Mr. Camron Hoseck
South Dakota PUC
State Capital Building
500 East Capitol Avenue
Pierre, SD 57501-5070

RECEIVED

OCT 12 1999

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Dear Mr. Hoseck:

Please accept this as response to your letter dated 23 September 1999 (copy is attached).

As you have suggested in previous letters, we have investigated the response and results of the five referenced complainants. We are in the process of issuing physical checks with letters of apology and will fax you copies tomorrow.

Our previous Billing Clearinghouse, NBE, should have issued credits in each case, however they have filed bankruptcy, which prevented these customers from receiving an adjustment to their phone bill. Please notify us if there is anything else that Western Telecom should do in order to stop further legal proceedings?

Western Telecom has recently received the appropriate documentation to start the process of filing for a Certificate of Authority in South Dakota and will forward a completed copy to you.

Thank you for your assistance in these matters.

Sincerely,

Julia O. Lawrence

Enclosure

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

IN THE MATTER OF THE COMPLAINT FILED)	FINAL ORDER AND
BY ERNST HAMANN FOR EVELYN WEAVER,)	DECISION; NOTICE OF
PIERRE, SOUTH DAKOTA, AGAINST)	ENTRY OF ORDER
WESTERN TELECOM REGARDING)	
UNAUTHORIZED BILLING FOR SERVICES)	CT99-024

On August 5, 1999, the Public Utilities Commission (Commission) received a complaint filed by Ernst Hamann for Evelyn Weaver, Pierre, South Dakota, against Western Telecom (Western). Mr. Hamann alleges that he was billed for unauthorized service.

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 August 17, 1999, the Commission considered this matter and found there was probable cause of an unlawful or unreasonable act, rate, practice or omission, and ordered that the complaint be forwarded to Western for an answer to be filed within twenty (20) days of service of the order. The order was dated August 26, 1999.

A hearing was held on September 23, 1999, beginning at 8:30 o'clock A.M., in Room 412 of the State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota. No representatives of Western Telecom appeared at the hearing. At the conclusion of the hearing, the Commission took the matter under advisement.

At its November 1, 1999, meeting, the Commission unanimously voted to find that Western Telecom billed Mr. Hamann for unauthorized services in violation of SDCL 49-31-89. Pursuant to SDCL 49-31-93, the Commission ordered Western Telecom to pay to Mr. Hamann \$1000.00 and to absolve him of any charges billed by Western Telecom. In addition, Western Telecom was ordered to pay to Mr. Hamann \$153.00 to compensate him for time spent attempting to resolve the unauthorized billing.

Based on the evidence and testimony received at the hearing, the Commission makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. On August 5, 1999, the Commission received a complaint filed by Ernst Hamann for Evelyn Weaver, Pierre, South Dakota, against Western. Mr. Hamann alleges that he was billed for unauthorized service.

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

IN THE MATTER OF THE COMPLAINT FILED)	FINAL ORDER AND
BY ERNST HAMANN FOR EVELYN WEAVER,)	DECISION; NOTICE OF
PIERRE, SOUTH DAKOTA, AGAINST)	ENTRY OF ORDER
WESTERN TELECOM REGARDING)	
UNAUTHORIZED BILLING FOR SERVICES)	CT99-024

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Based on the evidence and testimony received at the hearing, the Commission makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. On August 5, 1999, the Commission received a complaint filed by Ernst Hamann for Evelyn Weaver, Pierre, South Dakota, against Western. Mr. Hamann alleges that he was billed for unauthorized service.

2. Mr. Hamann testified that he moved into Evelyn Weaver's apartment and left the telephone in her name. Tr. at 8-9. Evelyn Weaver was the Complainant's mother who died in April of 1998. Tr. at 8.

3. Mr. Hamann testified that he received a call from Western and Western stated that it was affiliated with U S WEST Communications, Inc. (U S WEST). Tr. at 5. Mr. Hamann stated that he only authorized Western to send him information; he did not authorize any services. Tr. at 11.

4. On Mr. Hamann's May 25, 1999, U S WEST telephone bill, Western charged him \$39.99. Exhibit 6. That charge was removed from next month's U S WEST bill but Mr. Hamann subsequently received a separate bill that had both Western's name and the name of TouchTone Communications. Exhibit 5. Mr. Hamann received another bill from Western dated July 11, 1999. Exhibit 1. That bill stated that TouchTone had been purchased by Western and that the logo would change to reflect that purchase. *Id.*

5. In a written letter dated August 23, 1999, Western stated that its service was sold to an unauthorized person and that Western accepted full responsibility and would issue a full credit. Exhibit 2. No representatives of Western appeared at the hearing. Tr. at 4.

6. At the hearing, Mr. Hamann requested \$153.00 for travel to get help to figure out the charges and time involved trying to resolve the issue. Exhibit 3. The \$153.00 was based on 18 hours spent trying to resolve the matter multiplied by \$8.50 per hour. *Id.* He also requested \$500.00 to compensate him for frustration in trying to resolve the matter and \$6.00 in late charges billed by U S WEST. *Id.*

7. The Commission's Order Finding Probable Cause and Notice requiring Answer was sent to Western Telecom on August 30, 1999 at 4955 West Napoleon Ave., Suite 294, Metairie, Louisiana 70001. Tr. at 25-26; Exhibit 7. This was the address listed on the letter from Western. Exhibit 2. The order was not returned to the Commission as being undeliverable. Tr. at 26.

8. On September 10, 1999, the Commission's Order for and Notice of Hearing was sent to Western at the same Louisiana address. Tr. at 27; Exhibit 8. The order was not returned to the Commission as being undeliverable. Tr. at 27-28.

9. The Commission finds that Western charged Mr. Hamann for unauthorized services pursuant to the bills listed under the name of Evelyn Weaver. The Commission finds that the evidence shows that Mr. Hamann did not request any services from Western. Tr. at 5, 11. The Commission finds that Mr. Hamann is not responsible for any of the Western charges listed on the bills.

10. The Commission further finds that Mr. Hamann is entitled to \$153.00 from Western to compensate him for time and travel expended in attempting to resolve this matter.

11. The Commission finds that the request for reimbursement for \$6.00 in late charges billed by U S WEST will be denied because, based on the bills presented at the hearing, the late charges did not total \$6.00 and the late charges that were imposed were not just for failure to pay charges billed by Western but were also for authorized charges billed by U S WEST that were not paid on time. Exhibits 5 and 6.

12. The Commission finds that the request for \$500.00 for frustration in trying to resolve this matter was not sufficiently supported by the evidence. Further, it appears that the amount was based in part on the same rationale used to justify the \$153.00, that is, the time spent trying to resolve the billing dispute. Tr. at 10.

13. The Commission finds that Western has billed for unauthorized services and therefore, is required to pay to Mr. Hamann \$1000.00 as provided by SDCL 49-31-93.

CONCLUSIONS OF LAW

1. 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, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:08.01 and 20:10:01:09.

2. Pursuant to SDCL 49-31-93, the Commission finds that Western charged Mr. Hamann for unauthorized services pursuant to the bills listed under the name of Evelyn Weaver. The Commission finds that Mr. Hamann is not responsible for any of the charges imposed by Western.

3. Pursuant to SDCL 49-13-14, the Commission further finds that Mr. Hamann is entitled to \$153.00 in damages from Western to compensate him for time and travel expended in attempting to resolve this matter.

4. The Commission finds that the request for reimbursement for \$6.00 in late charges billed by U S WEST will be denied because, based on the bills presented at the hearing, the late charges did not total \$6.00 and the late charges that were imposed were not just for failure to pay charges billed by Western but were also for authorized charges billed by U S WEST that were not paid on time. Exhibits 5 and 6.

5. The Commission finds that the request for \$500.00 for frustration in trying to resolve this matter was not sufficiently supported by the evidence.

6. Pursuant to SDCL 49-31-93, the Commission finds that Western has billed for unauthorized services and, therefore, is required to pay to Mr. Hamann \$1000.00.

It is therefore

ORDERED, that Western shall pay to Mr. Hamann the amounts listed above and shall absolve Mr. Hamann of all charges imposed by Western.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that this Order was duly entered on the 15th day of November, 1999. Pursuant to SDCL 1-26-32, this Order will take effect 10 days after the date of receipt or failure to accept delivery of the decision by the parties.

Dated at Pierre, South Dakota, this 15th day of November, 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: Nelaine Kabis

Date: 11/16/99

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

1999 WESTERN TELECOM COMPLAINTS I

11/18/1

WESTERN TELECOM	07/16/99	EVELYN	WEAVER <i>Docket No CT99-024 Received 8/5/99 as a formal Complaint</i>	624 W. DAKOTA APT. 3	PIERRE	(605) 224- 7957	SHE HAS UNAUTHORIZED CHARGES ON HER PHONE BILL AND THE CHARGES NEED TO BE REMOVED
WESTERN TELECOM	08/18/99	ED	BLOOD	113 POLARIS AVE	PIERRE	(605) 224- 1662	THEIR SERVICE WAS SWITCHED WITHOUT AUTHORIZATION
WESTERN TELECOM	07/29/99	BRYAN & NATALIE	PARKS <i>Docket No CT99-021 Received 7/29/99 as a formal Complaint</i>	6434 GREEN VALLEY DR	RAPID CITY	(605) 393- 2648	THEIR SERVICE WAS SWITCHED WITHOUT AUTHORIZATION
WESTERN TELECOM	07/29/99	ENOCH	BERTSCH	1003 N DAKOTA AVE	ABERDEEN	(605) 225- 3938	SERVICE WAS SWITCHED WITHOUT AUTHORIZATION
WESTERN TELECOM	08/23/99	DEAN	ROYER	406 S 5TH ST	ARLINGTON	(605) 983- 5605	HE WAS CHARGED FOR A PHONE CARD WHICH HE DIDN'T REQUEST
WESTERN TELECOM	09/14/99	FAYE	STAUFFACHE R	2500 W BETHEL PL #301	SIOUX FALLS	(605) 338- 6228	HER SERVICE WAS SWITCHED WITHOUT AUTHORIZATION.
WESTERN TELECOM	09/27/99	THOMAS	TIAHRT	30514 460TH AVE	WAKONDA	(605) 267- 3293	HER SERVICE WAS SWITCHED WITHOUT AUTHORIZATION.
WESTERN TELECOM	10/21/99	SARAH	NELSON	450 20TH st se #204	HURON		SHE WAS CHARGED FOR SERVICES SHE DIDN'T REQUEST.

1999 WESTERN TELECOM COMPLAINTS I

11/18/19

WESTERN TELECOM	10/26/99	INGRID	MC CAULLEY	6104 E SPLITROCK RD	SIOUX FALLS	(605) 339- 1591	SHE WAS BILLED FOR SERVICES SHE DIDN'T REQUEST
WESTERN TELECOM	10/20/99	WYATT	STRAND	1401 S MAIN	MITCHELL	(605) 996- 6917	HE WAS BILLED FOR SERVICES HE DIDN'T REQUEST

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA
500 E Capitol, State Capitol Building, Pierre SD 57501
COMPLAINT

CT 99-030
RECEIVED

AUG 10 1999

SOUTH DAKOTA

Complainant(s) Person(s) filing the complaint		Respondent(s) Person(s) or Company complained against	
Name	HARRY + MARGARET PUTNAM	Contact Person	
Address	1620 - 38 th St	Utility Company	Teuchtonse Communications
City, State, Zip	Rapid City, SD 57702-3108	Address	12926 N. Dale Mabry
Home Phone	605-342-2195	City, State, Zip	Tampa, FL 33618
Work Phone		Phone	1-888-814-2566
Cellular Phone		Cellular Phone	
Fax #		Fax #	1-813-908-0461
If the Complainant is represented by an attorney, please list the attorney's name, address, telephone number and fax number below: (If Complainant is not represented by an attorney, please leave blank.)			
FRANK DRISCOLL, 516-5 th St, Rapid City SD 57701 605-342-2814			

These are the facts giving rise to my complaint:

See Attached letter

EXHIBIT 5

NOTE: Please attach additional pages if necessary to explain your situation. Also enclose copies of any bills or other documents which may pertain to your complaint.

RESOLUTION REQUEST

I ask that the Public Utilities Commission grant the following remedy. (What do you think the Commission should do to solve this problem? Be specific in your request for a resolution.)

We did not order this service and have no idea where or why it charged to us. We would appreciate the PUC to contact this company and resolve the situation.

It is an unfair charge as we do not intend to use their services.

Thank you.

NOTE: Please attach any additional pages if necessary.

AFFIRMATION STATEMENT

I hereby affirm that these statements are true and accurate to the best of my knowledge.

Margaret Putnam
Complainant's Signature

8-8-99
Date

Public Utility Commission
500 E. Capitol Avenue
Pierre, SD 57501-5070

Attention: Charlene Lund, Consumer Affairs

Dear Ms. Lund:

As per your request regarding our complaint against Touchtone Communications, we are enclosing what information we have concerning their charges. The first time we knew anything about this matter was a charge to our May 25 statement from US West. I called US West and notified them that I did not know what the charge was for and that we had not ordered any extra service as AT&T is our outstate carrier. US West said they would notify the company that we wished it removed and cancelled, whatever it was for. US West did not explain what the charge was for and we assumed the charge was being taken care of, but the charge has appeared on the June statement and the July statement with penalty fees. We called US West in June and also July concerning this charge. Every time we were told that they were notifying the company and no mention of the name of the charging company was made. The original charge to our US West statement was \$39.93

In June we received our first billing from Touchtone Communications in the amount of \$20. I notified the company that we had not ordered any services from them and that we were not paying this billing. We did not have any communications from until we received the statement in July for another month's services plus a late fee of \$3.95 for the statement in June. Numerous attempts to contact them have resulted in a busy signal. The one time anyone answered, I was put on hold and waited over twenty minutes before I hung up. No one ever answered or tried to contact us either by phone or letter.

We are being billed for services we did not order and do not intend to pay. We do not have a touch-tone telephone and we do not make more than one or two long distance calls out of state per month. We do not know how or why we are being billed by this company for a service we do not intend to use. We have contacted a lawyer about this. He suggested that we notify the PUC first concerning this matter. Any help you can give us will be greatly appreciated.

Our lawyer is: Frank Driscoll, 516 Fifth Street, Rapid City, SD 57701. Telephone : 605-342-2814.

Thank you.

Margaret Putnam, 1620 38th Street, Rapid City, SD 57702-3108. Telephone: 605-342-2195,

South Dakota Public Utilities Commission

WEEKLY FILINGS

For the Period of August 12, 1999 through August 18, 1999

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five business days of this filing. Phone: 605-773-3705 Fax: 605-773-3809

CONSUMER COMPLAINTS

CT99-028 In the Matter of the Complaint filed by Hampton Inn/Super 8 Motel, North Sioux City, South Dakota, against U S WEST Communications, Inc. Regarding Delay of Service and Billing Problems.

The Complainant alleges that installation of service for 12 lines to the Hampton Inn was delayed. The Hampton Inn was not informed of the delay until the day before the scheduled business opening. The Complainant further alleges that U S WEST Communications sent two billings for the same lines. The Complainant is seeking punitive damages, a credit of charges, and a commitment for customer care.

Staff Analyst: Leni Healy
Staff Attorney: Camron Hoseck
Date Filed: 08/09/99
Intervention Date: NA

CT99-029 In the Matter of the Complaint filed by Maria R. Baus, Volin, South Dakota, against Excel Telecommunications, Inc. Regarding Unauthorized Switching of Services.

The Complainant states that she is a customer of DTG and WorldCom. The Complainant claims that Excel Telecommunications billed her for services after WorldCom had been authorized as the chosen carrier. The Complainant is seeking a credit of the charges and penalties.

Staff Analyst: Leni Healy
Staff Attorney: Camron Hoseck
Date Filed: 08/09/99
Intervention Date: NA

CT99-030 In the Matter of the Complaint filed by Harry and Margaret Putnam, Rapid City, South Dakota, against Touchtone Communications Regarding Unauthorized Billing for Services.

The Complainants claim that they were billed for services which were not authorized. The Complainants have been unsuccessful in reaching a resolution with Touchtone Communications and are seeking assistance through the Public Utilities Commission.

Staff Analyst: Leni Healy
Staff Attorney: Camron Hoseck
Date Filed: 08/10/99
Intervention Deadline: NA

CT99-031 In the Matter of the Complaint filed by Douglas Holler, Pierpont, South Dakota, against MCI WorldCom Regarding Billing Errors.

The Complainant claims that he attempted to switch two telephone numbers to AT&T from MCI. Only one number was released. MCI continued to bill for the second number. The Complainant is seeking reimbursement and an admission of guilt from MCI.

Staff Analyst: Leni Healy
Staff Attorney: Camron Hoseck
Date Filed: 08/11/99
Intervention Date: NA

CT99-032 In the Matter of the Complaint filed by William and Eileen Reidy, Sioux Falls, South Dakota, against Sprint Communications Company L.P. Regarding Unauthorized Switching of Services.

The Complainants allege that their long distance service was switched to Sprint without authorization. The Complainants are seeking \$1000 in damages and the levying of fines on Sprint.

Staff Analyst: Leni Healy
Staff Attorney: Camron Hoseck
Date Filed: 08/11/99
Intervention Date: NA

CT99-033 In the Matter of the Complaint filed by Susan Trudel, Webster, South Dakota, against MCI WorldCom Regarding Unauthorized Switching of Services.

The Complainant claims that she declined the long distance services offered by a telemarketer. Her services were switched without authorization. After contact with MCI WorldCom, the Complainant's account was credited; however, billing continued. The Complainant wants measures to be taken to insure that service is not changed without authorization.

Staff Analyst: Leni Healy
Staff Attorney: Karen Cremer
Date Filed: 08/11/99
Intervention Deadline: NA

CT99-034 In the Matter of the Complaint filed by Rosella Lee, Arlington, South Dakota, against Western Telecom Regarding Unauthorized Billing for Services.

The Complainant alleges that she was billed for services she didn't request. The Complainant requests a credit of the charges and \$1000 in damages.

Staff Analyst: Leni Healy
Staff Attorney: Karen Cremer
Date Filed: 08/12/99
Intervention Deadline: NA

CT99-035 In the Matter of the Complaint filed by Greg and Karen Muellerleile dba Dakota Woodworking, Watertown, South Dakota, against U S Republic Communications Regarding Unauthorized Switching of Services.

The Complainants allege that U S Republic Communications switched their long distance service without authorization. The Complainants are seeking credit of the charges and \$1000 in damages.

Staff Analyst: Leni Healy
Staff Attorney: Karen Cremer
Date Filed: 08/13/99
Intervention Deadline: NA

CT99-036 In the Matter of the Complaint filed by Brian and Renee D. Coley dba Cambridge Gallery/Sioux Glass and Door, Sioux Falls, South Dakota, against Preferred Billing Regarding Unauthorized Switching of Services.

The Complainants claim that their long distance service was switched without authorization. The Complainants are requesting unspecified damages and credit of the charges.

Staff Analyst: Leni Healy
Staff Attorney: Karen Cremer
Date Filed: 08/16/99
Intervention Date: NA

TELECOMMUNICATIONS

TC99-086 In the Matter of the Filing by U S WEST Communications, Inc. for Approval of Agreement for Local Wireline Network Interconnection and Service Resale between DSLnet Communications, LLC and U S WEST Communications, Inc.

Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than September 8, 1999. Parties to the agreement may file written responses to the comments within twenty days of service of the comments.

Staff Attorney: Camron Hoseck
Staff Analyst: Harlan Best
Date Filed: 08/17/99
Comments due: 09/08/99

**You may receive this listing and other PUC publications via our website or via internet e-mail.
You may subscribe or unsubscribe to the PUC mailing lists at <http://www.state.sd.us/puc/>**

IN THE MATTER OF THE COMPLAINT FILED)
BY HARRY AND MARGARET PUTNAM, RAPID)
CITY, SOUTH DAKOTA, AGAINST)
TOUCHTONE COMMUNICATIONS)
REGARDING UNAUTHORIZED BILLING FOR)
SERVICES)

CT99-030

Dated at Pierre, South Dakota, this 1st day of September, 1999.

Date: _____

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner



RECEIVED
SEP 03 1999
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Public Utilities Commission of SD
State Capitol Building
500 East Capitol Avenue
Pierre, SD 57501-5070
Attention: Leni Healy

Monday, August 23, 1999

Re: Enoch Bertsch

Dear Leni Healy,

Enclosed is the letter mailed to Enoch Bertsch. As far as having a certificate of authority, myself personally won't be able to assist on that topic, but I can assure you a response can be expected shortly.

If Western Telecom can be of any future assistance please contact us at 1-888-814-2566 between 9am-5pm CST.

Sincerely,

A handwritten signature in cursive script, appearing to read "Morgan Rucker".

Morgan Rucker
Consumer Complaint Department

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FOR AND NOTICE
BY HARRY AND MARGARET PUTNAM, RAPID)	OF HEARING
CITY, SOUTH DAKOTA, AGAINST)	
TOUCHTONE COMMUNICATIONS)	CT99-030
REGARDING UNAUTHORIZED BILLING FOR)	
SERVICES)	

On August 10, 1999, the Public Utilities Commission (Commission) received a complaint filed by Harry and Margaret Putnam, Rapid City, South Dakota (Complainants), against Touchtone Communications (Touchtone). The Complainants alleged unauthorized billing in the amount of \$39.95 for unauthorized services and \$3.95 for a late fee in their June billing. Complainants request that the Commission resolve this matter.

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 August 25, 1999, at a duly noticed meeting, the Commission considered this matter. Complainant Harry Putnam appeared and, in addition to the allegations above, stated that he had been billed for 333 minutes of long distance calls. The Commission voted unanimously to find that probable cause of an unlawful or unreasonable act, rate, practice or omission was committed by Touchtone and ordered that the complaint be forwarded to Touchtone and Touchtone should file with the Commission its answer in writing within twenty (20) days of service of the order.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive.

A hearing shall be held on October 14, 1999, beginning at 1:00 o'clock P.M., MDT, in the Rapid City School Administration Building, 3rd Floor E Meeting Room, 300 6th Street, Rapid City, South Dakota. All persons so testifying will be subject to cross-examination by the parties. The order of the proceeding will be in the following sequence: (1) Complainant; (2) Touchtone; and (3) Staff.

The issue at the hearing is whether Touchtone committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission shall determine whether Touchtone committed an unlawful or unreasonable act, rate, practice, or omission and, if so, order any appropriate relief. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED that a hearing shall be held at the time and place specified above on the issue of whether Touchtone committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 15th day of September, 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:	<u><i>Dilaine Kalbs</i></u>
Date:	<u>9/16/99</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



WESTERN TELECOM
A DIVISION OF TRADEX INTERNATIONAL, INC.

CORPORATE OFFICE: 701 DEXTER AVENUE N., SUITE 410
SEATTLE, WA 98109
PHONE 206.301.9009
FAX 206.301.9051

October 6, 1999

Harry Putnam
1620 38th St.
Rapid City, SD 57702

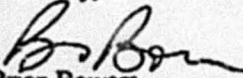
Dear Harry,

Thank you for your patience with Western Telecom as we searched for the best solution of removing the charge to your telephone bill. National Billing Exchange the billing company, which enables Western Telecom to place authorized charges and credits on your local telephone bill declared bankruptcy which prevented our adjusting your statement.

Please accept the enclosed check of \$ 43.91 for the charges on your telephone bill. Also included is fifteen minute complimentary calling card for your use anywhere in the continental United States.

Please accept our sincere apology for your inconvenience. If you have any further questions or concerns, please call our customer care at 888-814-2566.

Sincerely,


Brian Bowers
Retention Manager

cc: Camron Heseck
South Dakota Public Utilities Commission

Enclosures

3233 FLORIDA AVENUE, SUITE 101
KENNER, LA 70065
PHONE 504.461.4260
FAX 504.461.4278

MCI TOWER
707 17TH STREET, SUITE 2900
DENVER, CO 80202
PHONE 303.292.4345
FAX 303.292.4340

1580 MAHALOA STREET, SUITE 1250
HONOLULU, HI 96814
PHONE 808.955-9966
FAX 808.955-9966

10/06/99 WED 10:14 FAX 206 301 9051

Western Telecom

005

5308

TRADEX INT'L INC

1000 1ST AVENUE, STE 410

SEATTLE, WA 98101-4343

TEL 206 301 9008

U.S. BANK

10-10-1850

10/5/1999

PAY TO THE
ORDER OF

Harry Putnam

\$ 43.91

Forty-Three and 51/100

DOLLARS

Harry Putnam

1620 38th St

Rapid City, SD 57702

MEMO

Accepted as full payment for all claims against Western Telecom

Julie O. Lawrence

005308 125000105153500109

TRADEX INT'L INC

Harry Putnam

4-1000 · Income: 4-1400 · Telecommunications

customer refund SD

10/5/1999

5308

43.91

U.S. Bank - Checking

Accepted as full payment for all claims against Western Tele

43.91

Cameron Hoseck, Staff Attorney
Public Utilities Commission
State Capitol Building
500 E. Capitol Ave.
Pierre, SD 57501-5070

Re: Complaint CT99-030

Dear Sir:

As it appears on the enclosed copy of a letter received from Western Telecom, we have been credited for the unauthorized charges for long distance calls and no further charges will be made to our account. We are satisfied with this arrangement and feel that we do not need to be at the hearing in Rapid City on October 14, 1999.

We wish to thank you and the PUC for the prompt and efficient attention to our complaint. We appreciated very much your handling this matter for us.

Yours very truly,

Harry Putnam
Harry & Margaret Putnam
1620 38th Street
Rapid City, SD 57702-3108
October 4, 1999

RECEIVED

OCT 06 1999

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**



Thursday, September 23, 1999

HARRY PUTNAM
1620 38TH ST
RAPID CITY , SD 57702

Dear HARRY PUTNAM ,

According to our customer service records, the calling card service was previously authorized by contract , 4716878 on 04/30/99 for a reoccurring, discounted long distance calling card program. We provide an 800 number and pin number to our customers for them to use our long distance service at a significant savings. We do not switch your long distance carrier. Our records also indicate that we fulfilled the package on 5/11/99 and you were submitted a pin number.

Our records indicate that your account was cancelled on 8/3/99 and a credit in the amount of \$39.99 was submitted to National Billing Exchange on 9/23/99. It will take between one to two billing cycles to appear . There will be no future billings on this account, and no monies are owed. We apologize for any inconvenience this may have caused you , enclosed you will find a free 15 minute long distance calling card. The expiration date says August 31, 1999, however we have extended this date until November 1999 for you. If you have any further questions please call us at 1-888-814-2566 between 9AM and 5PM est, or write.

Sincerely,

Western Telecom
Complaint Department

Cc:



WESTERN TELECOM
A DIVISION OF TRADEX INTERNATIONAL, INC.

CORPORATE OFFICE: 701 DEXTER AVENUE N., SUITE 410
SEATTLE, WA 98109
PHONE 206.301.9009
FAX 206.301.9051

05 October 1999

VIA FAX

Mr. Camron Hoseck
South Dakota PUC
State Capital Building
500 East Capitol Avenue
Pierre, SD 57501-5070

RECEIVED

OCT 12 1999

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Dear Mr. Hoseck:

Please accept this as response to your letter dated 23 September 1999 (copy is attached).

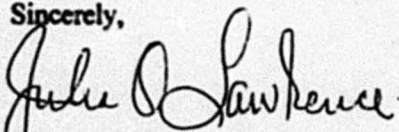
As you have suggested in previous letters, we have investigated the response and results of the five referenced complainants. We are in the process of issuing physical checks with letters of apology and will fax you copies tomorrow.

Our previous Billing Clearinghouse, NBE, should have issued credits in each case, however they have filed bankruptcy, which prevented these customers from receiving an adjustment to their phone bill. Please notify us if there is anything else that Western Telecom should do in order to stop further legal proceedings?

Western Telecom has recently received the appropriate documentation to start the process of filing for a Certificate of Authority in South Dakota and will forward a completed copy to you.

Thank you for your assistance in these matters.

Sincerely,


Julia O. Lawrence

Enclosure

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER CANCELLING
BY HARRY AND MARGARET PUTNAM, RAPID)	HEARING
CITY, SOUTH DAKOTA, AGAINST)	
TOUCHTONE COMMUNICATIONS)	CT99-030
REGARDING UNAUTHORIZED BILLING FOR)	
SERVICES)	

On August 10, 1999, the Public Utilities Commission (Commission) received a complaint filed by Harry and Margaret Putnam, Rapid City, South Dakota (Complainants), against Touchtone Communications (Touchtone). The Complainants alleged unauthorized billing in the amount of \$39.95 for unauthorized services and \$3.95 for a late fee in their June billing. Complainants request that the Commission resolve this matter.

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 August 25, 1999, at a duly noticed meeting, the Commission considered this matter. Complainant Harry Putnam appeared and, in addition to the allegations above, stated that he had been billed for 333 minutes of long distance calls. The Commission voted unanimously to find that probable cause of an unlawful or unreasonable act, rate, practice or omission was committed by Touchtone and ordered that the complaint be forwarded to Touchtone and Touchtone should file with the Commission its answer in writing within twenty (20) days of service of the order.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive.

By order dated September 15, 1999, a hearing was scheduled for October 14, 1999, beginning at 1:00 o'clock P.M., MDT, in the Rapid City School Administration Building, 3rd Floor E Meeting Room, 300 6th Street, Rapid City, South Dakota. In a letter received October 6, 1999, the Complainants stated that their complaint had been satisfactorily resolved. It is therefore

ORDERED, that the hearing scheduled for October 14, 1999, is cancelled.

Dated at Pierre, South Dakota, this 12th day of October, 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: Nelaine Kalbs

Date: 10/12/99

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

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

IN THE MATTER OF THE COMPLAINT FILED	)	ORDER DISMISSING
BY HARRY AND MARGARET PUTNAM, RAPID	)	COMPLAINT AND CLOSING
CITY, SOUTH DAKOTA, AGAINST	)	DOCKET
TOUCHTONE COMMUNICATIONS)	
REGARDING UNAUTHORIZED BILLING FOR	)	CT99-030
SERVICES)	

On August 10, 1999, the Public Utilities Commission (Commission) received a complaint filed by Harry and Margaret Putnam, Rapid City, South Dakota (Complainants), against Touchtone Communications (Touchtone). The Complainants alleged unauthorized billing in the amount of \$39.95 for unauthorized services and \$3.95 for a late fee in their June billing. Complainants request that the Commission resolve this matter.

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 August 25, 1999, at a duly noticed meeting, the Commission considered this matter. Complainant Harry Putnam appeared and, in addition to the allegations above, stated that he had been billed for 333 minutes of long distance calls. The Commission voted unanimously to find that probable cause of an unlawful or unreasonable act, rate, practice or omission was committed by Touchtone and ordered that the complaint be forwarded to Touchtone and Touchtone should file with the Commission its answer in writing within twenty (20) days of service of the order.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive.

By order dated September 15, 1999, a hearing was scheduled for October 14, 1999, beginning at 1:00 o'clock P.M., MDT, in the Rapid City School Administration Building, 3rd Floor E Meeting Room, 300 6th Street, Rapid City, South Dakota. In a letter received October 6, 1999, the Complainants stated that their complaint had been satisfactorily resolved and the hearing was cancelled.

At its regularly scheduled November 1, 1999, meeting, the Commission considered this matter. It is therefore

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

Dated at Pierre, South Dakota, this 4th day of November, 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: *Helaine Koehn*

Date: 11/5/99

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

500 E Capitol, State Capitol Building, Pierre SD 57501

COMPLAINT

RECEIVED 009

JUL 08 1999

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Complainant(s) (Person(s) filing the complaint)		Respondent(s) (Person(s) or Company complained against)	
Name	Thelma "Bally" Fox #6	Contact Person	Taughtone Communications
Address	948 Illinois Ave S.W.	Utility Company	Communication
City, State, Zip	Thuron, S.D. 57350	Address	P.O. Box 84993
Home Phone	(605) 253-1898	City, State, Zip	Seattle, WA 98124-6793
Work Phone		Phone	1-888-814-2566
Cellular Phone		Cellular Phone	
Fax #		Fax #	

If the Complainant is represented by an attorney, please list the attorney's name, address, telephone number and fax number below: (If Complainant is not represented by an attorney, please leave blank.)

These are the facts giving rise to my complaint:

I was contacted by phone - telling me lots of things about selling me discount service - I told them I'd have to think about it. - They sent me some literature. (without my consent) - After a couple of days I sent it back to them with telling them I didn't want this "discount" service. When my phone bill came there was a charge of \$39.99. I called U.S. West and they told me I'd have to call 1-800-879-4499. - I paid my U.S. West portion of the Bill. I tried the above number for hours on different days and never could get a hold of anyone. - The next month charges were still on my bill + late charges on the \$39.99 - Then a day or so ago I got this bill - Taughtone sold out. I did not give anyone consent to this service - therefore I'd like to have the charge removed from my bill.

Thelma "Bally" Fox

948 Illinois Ave S.W.

Thuron, S.D. 57350

EXHIBIT 6

NOTE: Please attach additional pages, if necessary, to explain your situation. Also enclose copies of any bills or other documents which may pertain to your complaint.

RESOLUTION REQUEST

I ask that the Public Utilities Commission grant the following remedy. (What do you think the Commission should do to solve this problem? Be specific in your request for a resolution.)

I'd like these charges removed from my telephone bill. I'm signed with AT&T for my long distance service. I do not make very many long distance calls so surely do not need some other company.

Regards,

Mrs. Thelma "Sally" Fox
940 Illinois Ave. S.W. #6
Thermon, Ga. 30750

NOTE: Please attach additional pages if necessary.

AFFIRMATION STATEMENT

I hereby affirm that these statements are true and accurate to the best of my knowledge.

Thelma "Sally" Fox
Complainant's Signature

July 5-1999
Date

YOUR DISCOUNT LONG DISTANCE PHONE BILL



Sally Fox
948 Illinois Ave Sw
Apt 6
Huron, SD 57350-3264

3
542

BILLING DATE: 06/28/99
ACCOUNT # 6053531898

DUE DATE: Upon Receipt

T02

Service Charge: \$3.95

Recharge on the 28th

PREVIOUS BALANCE	MINUTES	ACTIVATION FEE	MONTHLY CHARGE	TAX	PAY THIS AMOUNT
\$0.00	285	\$0.00	\$20.00	\$0.74	\$24.69

Western Telecom offers you Bonus Minutes for each friend or relation you sign up.

It's easy, it's fun and gives you additional long distance savings.



Our Name Has Changed! TouchTone has been purchased by Western Telecom, a division of Tradex International, Inc. Soon you will notice a change in the logo, but the great service and great long distance rates that you expect from TouchTone will remain the same.

PLEASE RETURN THIS STUB WITH YOUR PAYMENT

Account #: 6053531898

Service Charge: \$3.95

Due Date: Upon Receipt

PREVIOUS BALANCE	MINUTES	ACTIVATION FEE	MONTHLY CHARGE	TAX	PAY THIS AMOUNT
\$0.00	285	\$0.00	\$20.00	\$0.74	\$24.69

Questions? Customer Service and Billing Inquiries
Monday - Friday 9 a.m. to 5 p.m. EST

1-888-814-2566



Remit To: Western Telecom
P.O. Box 84993
Seattle, WA 98124-6293

2 006053531898 002469 9



South Dakota Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070



July 8, 1999

Western Telecom
PO Box 84993
Seattle WA 98124-6293

To whom it may concern:

The South Dakota Public Utilities Commission recently received a complaint against your company as a consumer issue. During the investigation of this complaint, it was determined that your company does not have a certificate of authority for telecommunications business in South Dakota.

Pursuant to SDCL §49-31-3, telecommunications companies operating in the state can do so only after receiving a certificate of authority from this Commission. Moreover, this state has been denied filing fees, gross receipts tax, and application fees associated with authorized operations of telecommunications companies within this state. Failure to comply with this law is considered a Class I misdemeanor.

The Complainant alleges that she billed for services she did not request. Pursuant to ARSD 20:10:34:05, the respondent must provide documentation within 30 days without cost showing that the change was authorized. SDCL 49-31-93 requires that an offending company must pay the complainant \$1000 per incident and may be assessed fines and penalties by this Commission.

In view of this information, we are requesting that your company review the billing for Ms. Fox. We would also suggest that your company apply for a certificate of authority to do business in South Dakota. Please contact Harlan Best in our offices to begin the certification process.

Please keep us informed of any action taken to resolve these issues.

Sincerely,

Leni Healy
Consumer Affairs

Capitol Office
Telephone (605)773-3281
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5280
FAX (605)773-3225

Consumer Hotline
1-800-332-1782

TTY Through
Relay South Dakota
1-800-877-1113

Internet Website
www.puc.state.sd.us/puc/

Jim Burg
Chairman
Pam Nelson
Vice-Chairman
Laska Schoenfelder
Commissioner

William Bullard Jr.
Executive Director

Harlan Best
Martin C. Bettmann
Sue Cichos
Karen E. Cremer
Michele M. Ferris
Marlette Fischbach
Shirleen Fugitt
Lewis Hammond
Leni Healy
Cameron Hozock
Lisa Hull
Dave Jacobson
Katie Johnson
Bob Knadlic
Delaine Kolbo
Jeffrey P. Lorenson
Charlene Lund
Terry Norum
Gregory A. Rislov
Keith Senger
Rosalynne Alts Wiest

CERTIFIED

Z 348 318 033 127

MAIL

Return Receipt Requested

Dakota
Public Utilities Commission

East Capitol Avenue
SD 57501-5070

RN SERVICE REQUESTED

Western Telecom
PO Box 84993
Seattle WA 98124-6293



www.uswest.com

SALLY FOX
 Bill Date: Apr 22, 1999
 Account No: 605 353-1898 246

Balance Forward	New Charges	Total Amount Due	Due Date for New Charges
\$0.00	\$21.68	\$21.68	May 13, 1999

Account Summary

▼ Previous Balance
 Charges 21.68
 Payment Thank you for your payment 21.68
 Balance Forward \$0.00

▼ New Charges For questions, call:
 U S WEST 1-800-244-1111 16.76
 AT&T 1-800-222-0300 4.92
 Total New Charges \$21.68
 TOTAL AMOUNT DUE \$21.68

We appreciate your business.

A late payment charge of 1.5% or minimum of \$1.00 may apply if total amount due does not reach us by May 22, 1999.

The company you have chosen for interLATA calls (long distance calls outside your local toll calling area) is AT&T.

If this company has not been authorized call 1 800 922-1879.

344-1111
 605

212-0300 AT&T

Want to know who just called? Press *69 - Last Call Return from U S WEST and you can find out. It's easy to use, only 75¢ per use, and never more than \$6.00 per month. It's already on your line, so go on, try it. Use *69... your affordable choice for Last Call Return.

U S WEST, PO Box 9301, Des Moines, IA 50306-9301
 Visit us 24 hours a day at www.uswest.com.



For questions, call 1-800-244-1111
 The best days to call are Tuesday through Friday

Page 2

▼ LOCAL SERVICES

MONTHLY SERVICE-APR 22 THRU MAY 21 11.05
 353-1898
BASIC SERVICES
 These services are necessary for you to use your telephone
 MEASURED RES LINE 3 HOUR 11.05
 FEDERAL ACCESS CHARGE 3.50
 911 EMERGENCY SURCHARGE .75
 LOCAL USAGE .00
 TELECOMMUNICATIONS RELAY SERVICES 15
 TAX- FED 44 STAOC 37 1.31

U S WEST LOCAL SERVICES

\$16.76

LOCAL USAGE

LOCAL USAGE CHARGES FOR 353-1898

3 HOUR PACKAGE

LOCAL USAGE 0 HRS 25 MIN
 LESS 3 HOUR PACKAGE ALLOWANCE 3 HRS 00 MIN
 BILLABLE TIME (@ \$02 PER MINUTE) 0 HRS 00 MIN

TOTAL LOCAL USAGE

.00



SALLY FOX
Account No: 605 353-1898 246
For billing questions or to place an order, call 1-800-222-0300



SALLY FOX
Account No: 605 353-1898 246
For billing questions or to place an order, call 1-800-222-0300

Page 3

AT&T Summary of Charges For April

Description	Page	Calls	Min	Amount
AT&T Other Charges and Credits	3			4.78
Taxes And Surcharges	3		0	.14

Total AT&T Summary of Charges For April \$4.92

AT&T Other Charges and Credits

Description	Amount
1. Universal Connectivity Charge	.93
For an explanation of this charge, please call 1 800 532-2021.	
2. Carrier Line Charge	.85
For an explanation of this charge, please call 1 800 532-2021.	
3. Minimum usage charge	3.00
The Charge is calculated by subtracting your qualifying calls and charges from \$3.00 monthly minimum.	

Total AT&T Other Charges and Credits \$4.78

Taxes And Surcharges

Description	Amount
4. Federal Tax @ 3%	.14

Total Taxes And Surcharges \$.14

Page 4

This portion of your bill is provided as a service to AT&T.
There is no connection between U S WEST and AT&T.





www.uswest.com

SALLY FOX
Bill Date: May 22, 1999
Account No: 605 353-1898 246

Balance Forward	New Charges	Total Amount Due	Due Date for New Charges
\$0.00	\$61.67	\$61.67	Jun 12, 1999

Account Summary

▼ Previous Balance

Charges	21.68
Payment	Thank you for your payment 21.68
Balance Forward	\$0.00

▼ New Charges

U S WEST	1-800-244-1111	16.76
AT&T	1-800-222-0300	4.92
Natl Bng Exch Spec Serv	1-800-879-4297	39.99
Total New Charges		\$61.67

TOTAL AMOUNT DUE \$61.67

We appreciate your business.

A late payment charge of 1.5% or minimum of \$1.00 may apply if total amount due does not reach us by Jun 22, 1999.

The company you have chosen for interLATA calls (long distance calls outside your local toll calling area) is AT&T.

If this company has not been authorized call 1 800 922-1879.

Jauch tone

1-889-814-2566

Getting friends together on the phone is easy with Instant Three Way Calling from U S WEST. Just call a friend, press the flash button down. Dial a second friend, press flash again, and you're all connected! It's only 75¢ per use and never more than \$6.00 per month. And, it's already on your line.

U S WEST, PO Box 9301, Des Moines, IA 50306-9301
Visit us 24 hours a day at www.uswest.com.



For questions, call 1-800-244-1111
The best days to call are Tuesday through Friday

Page 2

▼ LOCAL SERVICES

MONTHLY SERVICE-MAY 22 THRU JUN 21	11 05
353-1898	
BASIC SERVICES	
These services are necessary for you to use your telephone.	
MEASURED RES LINE 3 HOUR	11 05
FEDERAL ACCESS CHARGE	3 50
911 EMERGENCY SURCHARGE	75
LOCAL USAGE	00
TELECOMMUNICATIONS RELAY SERVICES	15
TAX- FED 44 STAOC 87	1 31

U S WEST LOCAL SERVICES

\$16.76

LOCAL USAGE

LOCAL USAGE CHARGES FOR 353-1898

3 HOUR PACKAGE

LOCAL USAGE	0 HRS 28 MIN
LESS 3 HOUR PACKAGE ALLOWANCE	3 HRS 00 MIN
BILLABLE TIME (@ \$02 PER MINUTE)	0 HRS 00 MIN

TOTAL LOCAL USAGE .00

1-800-244-1111

U.S. Pat. No. 5,365,296

continued on back



Page 3

AT&T Summary of Charges For May

Description	Page	Calls	Min	Amount
AT&T Itemized Long Distance Calls	3	1	1	.28
AT&T Other Charges and Credits	4			4.50
Taxes And Surcharges	4			.14
		1	1	

Total AT&T Summary of Charges For May \$4.92

AT&T Messages

From now on when your AT&T long distance charges are less than \$30 for any one month, or less than \$30 for two months in a row, these charges will not be included in your phone bill. On the third month, regardless of your total AT&T calling charges, all AT&T charges will appear on your monthly phone bill.

AT&T Itemized Long Distance Calls

• Direct Dialed Calls
Domestic Calls

Date	Time	Place And Number Called	Type	Rate	Min	Amount
1. MAY 14	6:03P	To SIOUX CITY IA 712 277-2992	Direct Day		1	.28
		Total Domestic Calls		1 Minutes		.28
Total Direct Dialed Calls				1 Minutes		.28

Total AT&T Itemized Long Distance Calls \$.28

Page 4

AT&T Other Charges and Credits

Description	Amount
1. Universal Connectivity Charge For an explanation of this charge, please call 1 800 532-2021.	.93
2. Carrier Line Charge For an explanation of this charge, please call 1 800 532-2021.	.85
3. Minimum usage charge The Charge is calculated by subtracting your qualifying calls and charges from \$3.00 monthly minimum.	2.72

Total AT&T Other Charges and Credits \$4.50

Taxes And Surcharges

Description	Amount
4. Federal Tax @ 3%	.14

Total Taxes And Surcharges \$.14

This portion of your bill is provided as a service to AT&T.
There is no connection between U S WEST and AT&T.





National Billing Exchange, Inc.

SALLY FOX
Account No: 805 353-1898 248
For questions, call 1-800-879-4297

Page 5

THESE CHARGES ARE FOR NON TELECOMMUNICATIONS SERVICES AND PRODUCTS.
NEITHER LOCAL NOR LONG DISTANCE SERVICES CAN BE DISCONNECTED FOR
NONPAYMENT OF THESE CHARGES. SPECIALIZED SERVICES PROVIDERS MAY
EMPLOY OTHER AGENCIES TO COLLECT DELINQUENT SERVICES AND PRODUCTS
CHARGES, EVEN IF PREVIOUSLY ADJUSTED FROM YOUR BILL.

SPECIALIZED SERVICES AND PRODUCTS

NO.	TIME	PLACE	AREA-NUMBER	TYPE	MIN
-----	------	-------	-------------	------	-----

MISCELLANEOUS CHARGES AND CREDITS

NO.	ITEM		
-----	------	--	--

WESTERN TELECOM

MAY 12 1. PHONE CARD

(MISCELLANEOUS CHARGES AND CREDITS SUBTOTAL

39.99)

39.99

TOTAL SPECIALIZED SERVICES AND PRODUCTS

39.99

TOTAL NATIONAL BILLING EXCHANGE CHARGES

39.99

THIS PORTION OF YOUR BILL IS PROVIDED AS A SERVICE TO NATIONAL BILLING EXCHANGE.
THERE IS NO CONNECTION BETWEEN U S WEST AND NATIONAL BILLING EXCHANGE.

US West Mark 1-800-244-1111

try 888-795-6480

not authorized - Remove
charge + any interest
Thank you

Called this # Every
day finally
on the 11th 1-800-879-4297

I was told the # was
unreach abt. — gave up. —
Money in the bank.





www.uswest.com

SALLY FOX
 Bill Date: Jun 22, 1999
 Account No: 605 353-1898 246

Balance Forward	New Charges	Total Amount Due	Due Date for New Charges
\$39.99	\$17.76	\$57.75	Jul 13, 1999

Account Summary

▼ Previous Balance

Charges	61.67
Payment	Thank you for your payment 21.68
Balance Forward	\$39.99

▼ New Charges

U S WEST	For questions, call: 1-800-244-1111	17.76
Total New Charges		\$17.76

TOTAL AMOUNT DUE \$57.75

We appreciate your business.

A late payment charge of 1.5% or minimum of \$1.00 may apply if total amount due does not reach us by Jul 22, 1999.

The company you have chosen for interLATA calls (long distance calls outside your local toll calling area) is AT&T.

If this company has not been authorized call 1 800 922-1879.

1-206-281-8801

On 6-17-99, U S WEST is eliminating distance sensitivity on direct-dialed Local Long Distance rates. The new off-peak rate is 19¢ per minute (M-F 5pm-7:59am & all weekend long); peak rate is 29¢ per minute (8am-4:59pm M-F). If you have any questions or for more information on discounted calling plans call 1-800-244-1111.

U S WEST, PO Box 9301, Des Moines, IA 50306-9301
 Visit us 24 hours a day at www.uswest.com.



For questions, call 1-800-244-1111
 The best days to call are Tuesday through Friday

Page 2

▼ LOCAL SERVICES

MONTHLY SERVICE-JUN 22 THRU JUL 21 11 05
 353-1898

BASIC SERVICES

These services are necessary for you to use your telephone.

MEASURED RES LINE 3 HOUR 11 05

FEDERAL ACCESS CHARGE	3 50
911 EMERGENCY SURCHARGE	.75
LOCAL USAGE	.00
TELECOMMUNICATIONS RELAY SERVICES	.15
TAX- FED 44 STA OC 87	1.31
LATE PAYMENT CHARGE ON 39 99	1.00

U S WEST LOCAL SERVICES

\$17.76

LOCAL USAGE

LOCAL USAGE CHARGES FOR 353-1898

3 HOUR PACKAGE

LOCAL USAGE	0 HRS 10 MIN
LESS 3 HOUR PACKAGE ALLOWANCE	3 HRS 00 MIN
BILLABLE TIME (@ \$ 02 PER MINUTE)	0 HRS 00 MIN

TOTAL LOCAL USAGE .00

1-800-244-1111

South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of July 8, 1999 through July 14, 1999

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact
Delaine Kolbo within five business days of this filing.
Phone: 605-773-3705 Fax: 605-773-3809

CONSUMER COMPLAINTS

CT99-009 In the Matter of the Complaint filed by Thelma "Sally" Fox, Huron, South Dakota, against Touchtone Communications Regarding Unauthorized Billing for Services and Lack of a Certificate of Authority.

The Complainant alleges that she was contacted by a telemarketer wishing to switch her long distance service. The Complainant claims she declined the offer but requested that information be sent to her. She later received a billing from Touchtone Communications. Touchtone Communications is not listed as a company holding a Certificate of Authority from the Public Utilities Commission. The Complainant seeks the following relief: "I'd like these charges removed from my telephone bill."

Staff Analyst: Leni Healy
Staff Attorney: Camron Hoseck
Date Filed: 07/08/99
Intervention Deadline: NA

TELECOMMUNICATIONS

TC99-084 In the Matter of the Application of Ozark Telecom, Inc. for a Certificate of Authority to Provide Telecommunications Services in South Dakota.

Ozark Telecom, Inc. has filed a request for a Certificate of Authority to operate as a reseller of interexchange telecommunications services throughout South Dakota. Ozark Telecom intends to offer 1+ and 101XXXX direct outbound dialing, toll-free inbound dialing, travel card and prepaid calling card service.

Staff Analyst: Michele Farris
Staff Attorney: Jeff Koerselman
Date Filed: 07/09/99
Intervention Date: 07/30/99

You may receive this listing and other PUC publications via our website or via internet e-mail. You may subscribe or unsubscribe to the PUC mailing lists at <http://www.state.sd.us/puc/>

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

IN THE MATTER OF THE COMPLAINT FILED)
BY THELMA "SALLY" FOX, HURON, SOUTH)
DAKOTA, AGAINST TOUCHTONE)
COMMUNICATIONS REGARDING)
UNAUTHORIZED BILLING FOR SERVICES)
AND LACK OF A CERTIFICATE OF)
AUTHORITY)

ORDER FINDING
PROBABLE CAUSE AND
NOTICE REQUIRING
ANSWER

CT99-009

On July 8, 1999, the Public Utilities Commission (Commission) received a complaint filed by Thelma "Sally" Fox, Huron, South Dakota (Complainant), against Touchtone Communications (Touchtone), regarding alleged unauthorized switching of her long distance carrier. Complainant requests that the unauthorized charges be removed from her bill. Touchtone does not hold a certificate of authority to do business in South Dakota as a telecommunications company.

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 July 29, 1999, at a duly noticed meeting, Commission Staff recommended a finding of probable cause due to unresolved factual issues and the apparent failure of Touchtone to have a certificate of authority to operate as a telecommunications company.

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, 49-31-60 through 49-31-68, inclusive, and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission voted unanimously to find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and that the complaint shall be forwarded to Touchtone and Touchtone shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 16th 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



RECEIVED
SEP 08 1999
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Public Utilities Commission of SD
State Capitol Building
500 East Capitol Avenue
Pierre, SD 57501-5070
Attention: Leni Healy

Monday, August 23, 1999

Re: Enoch Bertsch

Dear Leni Healy,

Enclosed is the letter mailed to Enoch Bertsch. As far as having a certificate of authority, myself personally won't be able to assist on that topic, but I can assure you a response can be expected shortly.

If Western Telecom can be of any future assistance please contact us at 1-888-814-2566 between 9am-5pm CST.

Sincerely,

Morgan Rucker
Consumer Complaint Department

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

IN THE MATTER OF THE COMPLAINT FILED	)	ORDER FOR AND NOTICE
BY THELMA "SALLY" FOX, HURON, SOUTH	)	OF HEARING
DAKOTA, AGAINST TOUCHTONE)	
COMMUNICATIONS REGARDING	)	CT99-009
UNAUTHORIZED BILLING FOR SERVICES)	
AND LACK OF A CERTIFICATE OF)	
AUTHORITY)	

On July 8, 1999, the Public Utilities Commission (Commission) received a complaint filed by Thelma "Sally" Fox, Huron, South Dakota (Complainant), against Touchtone Communications (Touchtone), regarding alleged unauthorized switching of her long distance carrier. Complainant requests that the unauthorized charges be removed from her bill. Touchtone does not hold a certificate of authority to do business in South Dakota as a telecommunications company.

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 July 29, 1999, at a duly noticed meeting, Commission Staff recommended a finding of probable cause due to unresolved factual issues and the apparent failure of Touchtone to have a certificate of authority to operate as a telecommunications company. The Commission voted unanimously to find probable cause and ordered that the complaint be forwarded to Touchtone and Touchtone should file with the Commission its answer in writing within twenty (20) days of service of the order.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive.

A hearing shall be held on October 26, 1999, beginning at 9:30 o'clock A.M., in the Huron Crossroads Hotel Meeting Room, Huron, South Dakota. All persons so testifying will be subject to cross-examination by the parties. The order of the proceeding will be in the following sequence: (1) Complainant; (2) Touchtone; and (3) Staff.

The issue at the hearing is whether Touchtone committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission shall determine whether Touchtone committed an unlawful or unreasonable act, rate, practice, or omission and, if so, order any appropriate relief. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED that a hearing shall be held at the time and place specified above on the issue of whether Touchtone committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 15th day of September, 1999.

<p align="center">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><i>Debra Kaelo</i></u></p> <p>Date: <u>9/16/99</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



WESTERN TELECOM
A DIVISION OF TRADIX INTERNATIONAL, INC.

CORPORATE OFFICE: 701 DEXTER AVENUE N., SUITE 410
SEATTLE, WA 98109
PHONE 206.301.9009
FAX 206.301.9051

October 6, 1999

Sally Fox
948 Illinois SW Ave. Apt 6
Huron, SD 57350


Dear Sally,

Thank you for your patience with Western Telecom as we searched for the best solution of removing the charge to your telephone bill. National Billing Exchange the billing company, which enables Western Telecom to place authorized charges and credits on your local telephone bill declared bankruptcy which prevented our adjusting your statement.

Please accept the enclosed check of \$ 43.91 for the charges on your telephone bill. Also included is fifteen minute complimentary calling card for your use anywhere in the continental United States.

Please accept our sincere apology for your inconvenience. If you have any further questions or concerns, please call our customer care at 888-814-2566.

Sincerely,


Brian Bowers
Retention Manager

cc: Camron Heseck
South Dakota Public Utilities Commission

Enclosures

3233 FLORIDA AVENUE, SUITE 101
KENNER, LA 70065
PHONE 504.461.4260
FAX 504.461.4278

MCI TOWER
707 17TH STREET, SUITE 2900
DENVER, CO 80202
PHONE 303.292.4345
FAX 303.292.4340

1580 MAKALOA STREET, SUITE 1250
HONOLULU, HI 96814
PHONE 808.955-9966
FAX 808.955-9966

10/06/99 WED 10:15 FAX 206 301 9051

Western Telecom

009

TRADEX INT'L INC

200 DEXTER AVE. N. STE. 410

SEATTLE, WA 98109-4343

PS 1-206-301-9009

US BANK

10-10-1250

10/5/1999

5306

PAY TO THE
ORDER OF

Sally Fox

\$ 43.91

Forty-Three and 91/100

DOLLARS

Sally Fox
948 Illinois SW Ave Apt. 6
Huron, SD 57350

MEMO

Accepted as full payment for all claims against Western Telecom

Julia O. San Pierre

⑈005306⑈ ⑆125000105⑆15350026109⑈

TRADEX INT'L INC

Sally Fox

4-1000 · Income: 4-1400 · Telecommunications

customer refund South Dakota

10/5/1999

5306

43.91

U.S. Bank - Checking

Accepted as full payment for all claims against Western Tele

43.91



WESTERN TELECOM
A DIVISION OF TRADEX INTERNATIONAL, INC.

CORPORATE OFFICE: 701 DEXTER AVENUE N., SUITE 410
SEATTLE, WA 98109
PHONE 206.301.9009
FAX 206.301.9051

05 October 1999

VIA FAX

Mr. Camron Hoseck
South Dakota PUC
State Capital Building
500 East Capitol Avenue
Pierre, SD 57501-5070

RECEIVED

OCT 12 1999

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Dear Mr. Hoseck:

Please accept this as response to your letter dated 23 September 1999 (copy is attached).

As you have suggested in previous letters, we have investigated the response and results of the five referenced complainants. We are in the process of issuing physical checks with letters of apology and will fax you copies tomorrow.

Our previous Billing Clearinghouse, NBE, should have issued credits in each case, however they have filed bankruptcy, which prevented these customers from receiving an adjustment to their phone bill. Please notify us if there is anything else that Western Telecom should do in order to stop further legal proceedings?

Western Telecom has recently received the appropriate documentation to start the process of filing for a Certificate of Authority in South Dakota and will forward a completed copy to you.

Thank you for your assistance in these matters.

Sincerely,

Julia O. Lawrence

Enclosure

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER CANCELLING
BY THELMA "SALLY" FOX, HURON, SOUTH)	HEARING
DAKOTA, AGAINST TOUCHTONE)	
COMMUNICATIONS REGARDING)	CT99-009
UNAUTHORIZED BILLING FOR SERVICES)	
AND LACK OF A CERTIFICATE OF)	
AUTHORITY)	

On July 8, 1999, the Public Utilities Commission (Commission) received a complaint filed by Thelma "Sally" Fox, Huron, South Dakota (Complainant), against Touchtone Communications (Touchtone), regarding alleged unauthorized switching of her long distance carrier. Complainant requests that the unauthorized charges be removed from her bill. Touchtone does not hold a certificate of authority to do business in South Dakota as a telecommunications company.

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 July 29, 1999, at a duly noticed meeting, Commission Staff recommended a finding of probable cause due to unresolved factual issues and the apparent failure of Touchtone to have a certificate of authority to operate as a telecommunications company. The Commission voted unanimously to find probable cause and ordered that the complaint be forwarded to Touchtone and Touchtone should file with the Commission its answer in writing within twenty (20) days of service of the order.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive.

By order dated September 15, 1999, a hearing was scheduled for October 26, 1999, beginning at 9:30 o'clock A.M., in the Huron Crossroads Hotel Meeting Room, Huron, South Dakota. Staff has been informed by the Complainant that her complaint has been satisfactorily resolved. It is therefore

ORDERED, that the hearing scheduled for October 26, 1999, is cancelled.

Dated at Pierre, South Dakota, this 22nd day of October, 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: Helmini Kaelo

Date: 10/22/99

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

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

IN THE MATTER OF THE COMPLAINT FILED) BY THELMA "SALLY" FOX, HURON, SOUTH) DAKOTA, AGAINST TOUCHTONE) COMMUNICATIONS REGARDING) UNAUTHORIZED BILLING FOR SERVICES) AND A LACK OF A CERTIFICATE OF) AUTHORITY)	ORDER DISMISSING COMPLAINT AND CLOSING DOCKET CT99-009
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On July 8, 1999, the Public Utilities Commission (Commission) received a complaint filed by Thelma "Sally" Fox, Huron, South Dakota (Complainant), against Touchtone Communications (Touchtone) regarding the unauthorized billing for services. Touchtone does not have a certificate of authority to act as a telecommunications company. Complainant alleged that her long distance phone service was switched to Touchtone prior to her May 1999, billing without authorization and that she has been unable to resolve the dispute. She is seeking reimbursement of the charges and penalties assessed.

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 1, 1999, at a duly noticed meeting, Commission Staff informed the Commission that the parties had reached a settlement as to the billing and penalties and the Complainant wished to have the complaint dismissed and the docket closed.

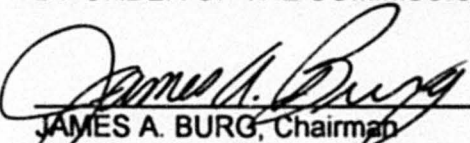
The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-13-1, 49-13-4, 49-13-13, 49-13-14.1, 49-31-3, 49-31-7, 49-31-7.1, 49-31-11, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission voted unanimously to dismiss the complaint and close the docket. It is therefore

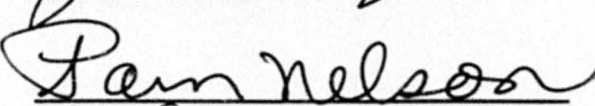
ORDERED, that this complaint be dismissed and the docket be closed.

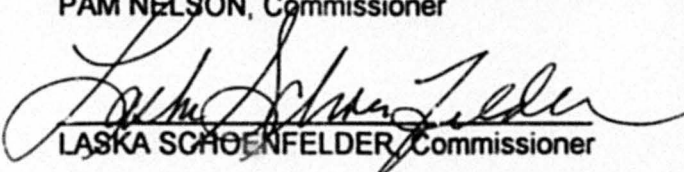
Dated at Pierre, South Dakota, this 4th day of November, 1999.

CERTIFICATE OF SERVICE
<small>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.</small>
By: <u><i>Deloris Kaebo</i></u>
Date: <u><i>11/5/99</i></u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:


JAMES A. BURG, Chairman


PAM NELSON, Commissioner


LASKA SCHOENFELDER, Commissioner

1999 TOUCHTONE COMPLAINTS

11/18/19

TOUCHTONE	03/24/99	RODNEY	NOLD	1425 15TH AVE. SOUTHEAST	ABERDEEN	(605) 225-7600	THEY HAVE CHARGES FOR A PHONE CARD THAT WAS NEVER ORDERED
TOUCHTONE	04/01/99	CARA	CECIL	919 KING ST #2	SPEARFISH	(605) 644-0706	SHE HAS REC. A BILL FROM TOUCH TONE AND HAS NOT SIGNED UP WITH THEIR SERVICES
TOUCHTONE	04/19/99	VERNON	BENTSON	725 S. EUCLID	SIOUX FALLS	(605) 335-4309	HE REC. A BILL FOR LD SERVICES FROM TOUCHTONE
TOUCHTONE	04/29/99	GLADYS	HANSEN	1533 PINE ST	STURGIS	(605) 347-3253	SHE REC. A DECEPTIVE PRACTICE PHONE CALL AND NOW HAS CHARGES ON HER PHONE BILL. SHE MANAGED TO AVOID A SWITCH IN CARRIERS.
TOUCHTONE	05/13/99	SARAH	MINES	110 MAPLEWOOD LANE	YANKTON		SHE HAS A BILL FROM TOUCHTONE SERVICES. SHE DOESN'T HAVE LD SERVICES DUE TO A BLOCK. SHE WANTS THE CHARGES REMOVED AND ACCOUNT CLOSED.
TOUCHTONE	05/14/99	ROSELLA M.	LEE	206 EAST ASH ST. APT. 6	ARLINGTON	(605) 983-5042	SHE HAS UNAUTHORIZED CHARGES ON HER PHONE BILL
TOUCHTONE	05/17/99	DAVID R.	DUMAN	400 SOUTH 4TH AVE. J#309	SIOUX FALLS	(605) 357-9979	HE WAS SIGNED UP FOR SERVICES WITHOUT HIS AUTHORIZATION
TOUCHTONE	05/19/99	CATHY	NAMKEN	509 N. BLANCHE	MADISON	(605) 256-9676	THEY ARE GETTING BILLED FOR CALLING CARDS THAT THEY DID NOT ORDER.

EXHIBIT 7

1999 TOUCHTONE COMPLAINTS

11/18/1995

TOUCHTONE	05/19/99	OJULU	AJAK	4601 E 3RD ST. #4	SIOUX FALLS	(605) 335-7943	THEY HAVE CHARGES FOR SERVICES THEY HAVE NOT ORDERED.
TOUCHTONE	05/21/99	TERRY	SCHOCHENMAIER	111 1/2 S. MERRILL ST	CHAMBERLAIN	(605) 734-4107	HE IS BEING BILLED FOR SERVICES THAT HE DID NOT AUTHORIZE
TOUCHTONE	05/25/99	ELIZABETH	COOLLEY	1715 MCDERMOTT RD	SPEARFISH	(605) 642-5185	SHE IS GETTING BILLS FOR SERVICES THAT SHE DID NOT ORDER
TOUCHTONE	06/03/99	SHAWN	SPINKS	424 9TH AVE. SE., APT 2	ABERDEEN	(605) 226-5497	HE HAS REC. A BILL FOR SERVICES THAT HE DID NOT AUTHORIZE
TOUCHTONE	06/14/99	BETTY	KNODEL	1120 E. 7TH AVE.	MITCHELL	(605) 995-0819	SHE HAS A BILL FOR UNAUTHORIZED SERVICES.
TOUCHTONE	06/14/99	CHARLENE	TJEERDSMA	2224 E. HWY 50	YANKTON	(605) 658-1849	SHE HAS RECEIVED A BILL FROM TOUCHTONE AND SHE NEVER AUTHORIZED THE SERVICES
TOUCHTONE	06/16/99	HARVEY	BOSSMAN	250 MARY AVE.	TEA	(605) 368-2226	HE REC. A BILL FOR UNAUTHORIZED SERVICES FROM TOUCHTONE
TOUCHTONE	06/21/99	JAMES	KLESACK	HC 83, BOX 133D	CUSTER	(605) 673-2180	HE IS DISPUTING CHARGES FROM TOUCHTONE.

1999 TOUCHTONE COMPLAINTS

11/18/199

TOUCHTONE	06/21/99	LORRAINE	LUNDE	205 W. 18TH ST.	SIOUX FALLS	(605) 332-1166	TOUCHTONE WAS CONTACTED
TOUCHTONE	06/23/99	VIVIAN	HOLECHEK	1920 FREMONT # 303	RAPID CITY	(605) 348-2446	SHE HAS A CHARGE FOR A PHONE CARD THAT SHE DID NOT AUTHORIZE
TOUCHTONE	06/25/99	BEN	MASSELINK	200 S. MAIN	SIOUX FALLS		HE HAS UNAUTHORIZED CHARGES ON HIS LONG DISTANCE PHONE
TOUCHTONE	06/28/99	KIM	WEBERG	900 PENINAH	YANKTON	(605) 665-5116	THEY HAVE UNAUTHORIZED CHARGES ON THEIR TELEPHONE BILL
TOUCHTONE	06/30/99	TODD	NELSON	618 BEACH AVE. SE.	HURON	(605) 352-2524	HE HAS REC. A BILL FOR SERVICES THAT HE DID NOT ORDER.
TOUCHTONE	07/01/99	SALLY	FOX <i>Docket No CT 99-009 Received 7/8/99 as a formal Complaint</i>	948 ILLINOIS #6	HURON	(605) 353-1898	SHE HAS CHARGES ON HER US WEST BILL THAT SHE DID NOT AUTHORIZE
TOUCHTONE	07/12/99	MARIAN G.	SMITHEY	905 E. 15 #2	YANKTON	(605) 665-9037	SHE HAS REC. A BILL FROM TOUCHTONE AND THE SERVICES WERE NOT ORDERED
TOUCHTONE	07/08/99	THELMA "SALLY"	FOX <i>Docket No CT 99-009 Received 7/8/99 as a formal Complaint</i>	948 ILLINOIS SW #6	HURON	(605) 353-1898	SHE WAS BILLED FOR SERVICES SHE DIDN'T REQUEST.

1999 TOUCHTONE COMPLAINTS

11/13/99

TOUCHTONE	07/20/99	ROBERT	LOVE	7206 PEACEFUL PINES RD	BLACK HAWK	(605) 787-4431	HE HAS REC. A BILL FROM TOUCHTONE AND THE SERVICES WERE NOT AUTHORIZED
TOUCHTONE	07/21/99	BRYAN	PARKS	6434 GREEN VALLEY DR.	RAPID CITY	(605) 393-2648	HE HAS RECEIVED BILLS FOR TOUCHTONE AND HE HAS NOT AUTHORIZED THEIR SERVICES
TOUCHTONE	08/02/99	MARGARET	PUTNAM	1620 38TH ST.	RAPID CITY	(605) 342-2195	SHE HAS RECEIVED CHARGES THAT SHE DID NOT AUTHORIZE.
TOUCHTONE	09/01/99	LAURA	COLLINS	4455 W. SUNNYSIDE DR.	RAPID CITY	(605) 338-3056	SHE HAS A CHARGE FOR A SERVICE THAT SHE WAS UNABLE TO USE. SHE WANTS HER ACCOUNT TO BE CREDITED
TOUCHTONE	08/31/99	ORMAN AND NYLA	FIXSEN	RT 2 BOX 14	REDFIELD	(605) 472-2179	BILLINGS CONTINUED AFTER SERVICES WERE CANCELLED
TOUCHTONE	10/28/99	GARRY	HELLAND	1180 CRESTVIEW DR.	WATERTOWN	(605) 882-1625	HE HAS CHARGES FOR SERVICES THAT HE DID NOT AUTHORIZE

YOUR DISCOUNT LONG DISTANCE PHONE BILL



Bryan Parks
6434 Green Valley Dr
#1
Rapid City, SD 57703-9608



BILLING DATE: 07/11/99
ACCOUNT # 6053932648

DUE DATE: 10 Days

T02

Service Charge: \$3.95

Recharge on the 7th

PREVIOUS BALANCE	MINUTES	ACTIVATION FEE	MONTHLY CHARGE	TAX	PAY THIS AMOUNT
\$23.95	333	\$0.00	\$20.00	\$1.48	\$49.38

Western Telecom offers you Bonus Minutes for each friend or relation you sign up.

It's easy, it's fun and gives you additional long distance savings.

PAST DUE • FRIENDLY REMINDER



Our Name Has Changed! TouchTone has been purchased by Western Telecom, a division of Tradex International, Inc. Soon you will notice a change in the logo, but the great service and great long distance rates that you expect from TouchTone will remain the same.

PLEASE RETURN THIS STATEMENT WITH YOUR PAYMENT

Account #: 6053932648

Service Charge: \$3.95

Due Date: 10 Days

PREVIOUS BALANCE	MINUTES	ACTIVATION FEE	MONTHLY CHARGE	TAX	PAY THIS AMOUNT
\$23.95	333	\$0.00	\$20.00	\$1.48	\$49.38

Questions? Customer Service and Billing Inquiries

1-888-814-2566

Monday - Friday 9 a.m. to 5 p.m. EST



Remit To: Western Telecom
P.O. Box 84993
Seattle, WA 98124-6293

2 006053932648 004938 2

EXHIBIT 8



RECEIVED

SEP 14 1999

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

P.U.C. of South Dakota
William Bullard Jr.
500 E Capitol
Pierre, SD 57501-5070

Re: CT99-021, Natalie & Bryan Parks

On behalf of Touchtone Communications a product of Western Telecom, this letter is in response to an Informal Complaint regarding Natalie & Bryan Parks.

The sales for Touchtone Communications are generated by out-bound telecommunications and verified by independent third party verification, which is recorded through verbal contracts.

To utilize our service a pin number must be dialed in order to receive the long distance rates we present. This pin number is enclosed in the initial package received by the consumer and most important, because of this pin we do not and cannot switch their local or long distance carrier.

For this particular consumer in question, Natalie & Bryan Parks received their package with their personal pin number that was mailed to the home address on 05/03/99.

Unfortunately our Quality Control department has noticed a problem with the verbal contract made the day of the initial contact, since this case was brought to our attention. Western Telecom accepts full responsibility, so the account has been canceled and a credit in the amount of \$39.99 was issued towards their local telephone carrier.

A letter confirming this is being mailed to Natalie & Bryan Parks, enclosed is a copy of that letter.

If we can be of any future assistance to your department regarding this consumer please contact myself directly at 504-461-4260 during the hours of 9AM-5PM Central Standard Time.

Sincerely,

Morgan Rucker
Consumer Complaint Department

Cc: Natalie & Bryan Parks

TRADEX INT'L INC
1000 DEXTER AVE. N. STE. 400
SEATTLE, WA 98109-4943
(206) 408-3001-3009

US BANK
10-10-1999
10/5/1999

5306

PAY TO THE ORDER OF Sally Fox

\$ 43.91

Forty-Three and 91/100 DOLLARS

Sally Fox
948 Illinois SW Ave Apt. 6
Huron, SD 57350

MEMO
Accepted as full payment for all claims against Western Telecom

Julia O. Sanjour

⑈005306⑈ ⑆125000105⑆15350026109⑈

TRADEX INT'L INC

Sally Fox

4-1000 - Income: 4-1400 - Telecommunications

customer refund South Dakota

10/5/1999

5306

43.91

U.S. Bank - Checking

Accepted as full payment for all claims against Western Tele

43.91

Law Office
KARR • TUTTLE • CAMPBELL

Founded 1904

A Professional Service Corporation

1201 Third Avenue, Suite 2900, Seattle, Washington 98101
Telephone (206) 223-1313, Facsimile (206) 682-7100

Portland Office

1212 Standard Plaza, 1100 S.W. Sixth Avenue, Portland, Oregon 97204
Telephone (503) 246-1330, Facsimile (503) 222-4429

Please reply to Seattle Office

RECEIVED

NOV 12 1999

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

FAX Received NOV 11 1999

Floyd L. Newland
(206) 224-8064
fnewland@karrtuttle.com

November 11, 1999

**Fax: (605) 773-3805
and Overnight Mail**

South Dakota Public Utilities
Commission,
State Capitol Building
Pierre, SD 57501-5070

**RE: November 15, 1999 Agenda for Meeting of Public Service Commission,
Concerning: Western Telecom and Touchtone Communications**

Dear Ladies and Gentlemen:

We represent Tradex International, Inc., which does business under the assumed name of Western Telecom (herein "Western Telecom"). We are writing this letter to request that consideration of the complaint against our client be continued for two weeks or the next convenient time, to allow us to communicate with the appropriate staff personnel and work out the complaints informally. We hope to avoid the issuance of an order to show cause.

Alternatively we ask that we be given the opportunity to appear by telephone at the meeting scheduled for November 15, 1999 at 1:30 P.M.

My client, Western Telecom, is not aware of any unresolved complaints involving South Dakota residents. We want to resolve all of the complaints that you have received immediately in accordance with our normal policy, which is to refund any amount paid by any customer who has any complaint, regardless of the validity of the complaint. If given the

EXHIBIT 11

November 11, 1999

Page 2

opportunity to do so we will repay any consumer any sums he/she has paid, and not used, or will cancel any unwanted contract with any such consumer.

We are certainly willing to provide the Commission with a complete list of South Dakota customers. That, however, will take us a few days to prepare.

I would like to make some observations about Western Telecom and its practices as well as the relationship with Touchtone Communications.

Relationship with Touchtone Communications.

Western Telecom has no affiliation with Touchtone Communications Inc. ("Touchtone") as a parent or as a subsidiary or by the same or similar persons owning stock in the two companies. Western Telecom's relationship with Touchtone was simply a contract relationship. The contract relationship began June 19, 1998. Western Telecom had a contract with "M" Associates, Touchtone's parent. The relationship was terminated April 18, 1999, by an agreement with "M" Associates.

During the period Western Telecom was under contract with Touchtone, Western Telecom sold time to Touchtone. Western Telecom was acting as a broker in the sale of time. Western Telecom also billed Touchtone's customers by submitting Touchtone's bills to a LEC Biller, National Billing Exchange, Inc., a California Corporation. Western Telecom was paid a fee for such services. While providing the billing service, Western Telecom did not monitor the calls made by Touchtone or its telemarketers to Touchtone's customers. In addition to providing billing, Western Telecom arranged factoring services for Touchtone through a factor, National Factoring, Inc., 7840 E. Berry Place, Suite 200, Greenwood Village Colorado. The process was that Western Telecom purchased designated accounts receivable from Touchtone and then immediately resold the accounts receivable to National Factors, Inc. Western Telecom earned a fee in connection with the factoring. Western Telecom's function was ministerial. Western Telecom sold nothing to any of Touchtone's customers.

Western Telecom's Monitoring of Sales Rooms.

Western Telecom's own telemarketing program is closely monitored. The telemarketers use a script approved by Western Telecom. When a customer indicates an interest in purchasing the pre-paid long distance, the only service offered in South Dakota, a third party is included on the telephone line to verify the purchase and a tape recording is made of the actual sale. The tape recording is made with the permission of the customer.

November 11, 1999

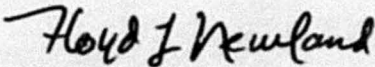
Page 3

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If the Commission wishes to listen to the tape recordings of South Dakota consumers Western Telecom can arrange that.

We want to again emphasize that it is Western Telecom's policy to not have dissatisfied customers.

Very truly yours,



Floyd L. Newland



National Billing Exchange, Inc.

B. J. N. PARKS
Account No: 605 393-2648 265
For questions, call 1-800-879-4297

Page 3

THESE CHARGES ARE FOR NON TELECOMMUNICATIONS SERVICES AND PRODUCTS.
NEITHER LOCAL NOR LONG DISTANCE SERVICES CAN BE DISCONNECTED FOR
NONPAYMENT OF THESE CHARGES. SPECIALIZED SERVICES PROVIDERS MAY
EMPLOY OTHER AGENCIES TO COLLECT DELINQUENT SERVICES AND PRODUCTS
CHARGES, EVEN IF PREVIOUSLY ADJUSTED FROM YOUR BILL.

SPECIALIZED SERVICES AND PRODUCTS

NO.	TIME	PLACE	AREA-NUMBER	TYPE	MIN
-----	------	-------	-------------	------	-----

MISCELLANEOUS CHARGES AND CREDITS

NO.	ITEM
-----	------

WESTERN TELECOM	
MAY 3 1. PHONE CARD	
(MISCELLANEOUS CHARGES AND CREDITS SUBTOTAL	39.99)
TOTAL SPECIALIZED SERVICES AND PRODUCTS	39.99

TOTAL NATIONAL BILLING EXCHANGE CHARGES	39.99
---	-------

THIS PORTION OF YOUR BILL IS PROVIDED AS A SERVICE TO NATIONAL BILLING EXCHANGE
THERE IS NO CONNECTION BETWEEN U.S. WEST AND NATIONAL BILLING EXCHANGE.

This is the backside
of our U.S. West Bill
from June - 1999. with
the \$39.99 charge for
phone card from Western
Telecom.

expanded
billing
block

6-14-99



EXHIBIT 12

YOUR DISCOUNT LONG DISTANCE PHONE BILL



Bryan Parks
6434 Green Valley Dr
#1
Rapid City, SD 57703-9608



BILLING DATE: 07/11/99
ACCOUNT # 6053932648

DUE DATE: 10 Days

T02

Service Charge: \$3.95

Recharge on the 7th

PREVIOUS BALANCE	MINUTES	ACTIVATION FEE	MONTHLY CHARGE	TAX	PAY THIS AMOUNT
\$23.95	333	\$0.00	\$20.00	\$1.48	\$49.38

Western Telecom offers you Bonus Minutes for each friend or relation you sign up.

It's easy, it's fun and gives you additional long distance savings.

PAST DUE * FRIENDLY REMINDER



Our Name Has Changed! TouchTone has been purchased by Western Telecom, a division of Tradex International, Inc. Soon you will notice a change in the logo, but the great service and great long distance rates that you expect from TouchTone will remain the same.

PLEASE RETURN THIS STATE WITH YOUR PAYMENT

Account #: 6053932648

Service Charge: \$3.95

Due Date: 10 Days

PREVIOUS BALANCE	MINUTES	ACTIVATION FEE	MONTHLY CHARGE	TAX	PAY THIS AMOUNT
\$23.95	333	\$0.00	\$20.00	\$1.48	\$49.38

Questions? Customer Service and Billing Inquiries
Monday - Friday 9 a.m. to 5 p.m. EST

1-888-814-2566



Remit To: Western Telecom
P.O. Box 84993
Seattle, WA 98124-6293

2 006053932648 004938 2

Law Offices
KARR • TUTTLE • CAMPBELL

Founded 1904

A Professional Service Corporation

1201 Third Avenue, Suite 2900, Seattle, Washington 98101
Telephone (206) 223-1313, Facsimile (206) 682-7100

Portland Office
1212 Standard Plaza, 1100 S.W. Sixth Avenue, Portland, Oregon 97204
Telephone (503) 246-1330, Facsimile (503) 222-4429

Please reply to Seattle Office

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NOV 12 1999

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

FAX Received NOV 11 1999

Floyd L. Newland
(206) 224-8064
fnewland@karrtuttle.com

November 11, 1999

**Fax: (605) 773-3805
and Overnight Mail**

South Dakota Public Utilities
Commission,
State Capitol Building
Pierre, SD 57501-5070

**RE: November 15, 1999 Agenda for Meeting of Public Service Commission,
Concerning: Western Telecom and Touchtone Communications**

Dear Ladies and Gentlemen:

We represent Tradex International, Inc., which does business under the assumed name of Western Telecom (herein "Western Telecom"). We are writing this letter to request that consideration of the complaint against our client be continued for two weeks or the next convenient time, to allow us to communicate with the appropriate staff personnel and work out the complaints informally. We hope to avoid the issuance of an order to show cause.

Alternatively we ask that we be given the opportunity to appear by telephone at the meeting scheduled for November 15, 1999 at 1:30 P.M.

My client, Western Telecom, is not aware of any unresolved complaints involving South Dakota residents. We want to resolve all of the complaints that you have received immediately in accordance with our normal policy, which is to refund any amount paid by any customer who has any complaint, regardless of the validity of the complaint. If given the

opportunity to do so we will repay any consumer any sums he/she has paid, and not used, or will cancel any unwanted contract with any such consumer.

We are certainly willing to provide the Commission with a complete list of South Dakota customers. That, however, will take us a few days to prepare.

I would like to make some observations about Western Telecom and its practices as well as the relationship with Touchtone Communications.

Relationship with Touchtone Communications.

Western Telecom has no affiliation with Touchtone Communications Inc. ("Touchtone") as a parent or as a subsidiary or by the same or similar persons owning stock in the two companies. Western Telecom's relationship with Touchtone was simply a contract relationship. The contract relationship began June 19, 1998. Western Telecom had a contract with "M" Associates, Touchtone's parent. The relationship was terminated April 18, 1999, by an agreement with "M" Associates.

During the period Western Telecom was under contract with Touchtone, Western Telecom sold time to Touchtone. Western Telecom was acting as a broker in the sale of time. Western Telecom also billed Touchtone's customers by submitting Touchtone's bills to a LEC Biller, National Billing Exchange, Inc., a California Corporation. Western Telecom was paid a fee for such services. While providing the billing service, Western Telecom did not monitor the calls made by Touchtone or its telemarketers to Touchtone's customers. In addition to providing billing, Western Telecom arranged factoring services for Touchtone through a factor, National Factoring, Inc., 7840 E. Berry Place, Suite 200, Greenwood Village Colorado. The process was that Western Telecom purchased designated accounts receivable from Touchtone and then immediately resold the accounts receivable to National Factors, Inc. Western Telecom earned a fee in connection with the factoring. Western Telecom's function was ministerial. Western Telecom sold nothing to any of Touchtone's customers.

Western Telecom's Monitoring of Sales Rooms.

Western Telecom's own telemarketing program is closely monitored. The telemarketers use a script approved by Western Telecom. When a customer indicates an interest in purchasing the pre-paid long distance, the only service offered in South Dakota, a third party is included on the telephone line to verify the purchase and a tape recording is made of the actual sale. The tape recording is made with the permission of the customer.

November 11, 1999

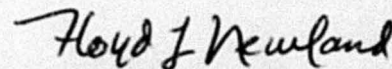
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If the Commission wishes to listen to the tape recordings of South Dakota consumers Western Telecom can arrange that.

We want to again emphasize that it is Western Telecom's policy to not have dissatisfied customers.

Very truly yours,

A handwritten signature in cursive script that reads "Floyd L. Newland".

Floyd L. Newland

South Dakota Public Utilities Commission

WEEKLY FILINGS

For the Period of November 18, 1999 through November 24, 1999

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five business days of this filing.

Phone: 605-773-3705 Fax: 605-773-3809

CONSUMER COMPLAINTS

CT99-059 In the Matter of the Complaint filed by Nancy Van Heerde, Sioux Falls, South Dakota, against The Furst Group Regarding Unauthorized Switching of Services.

On November 18, 1999, the Commission received a formal complaint from Nancy Van Heerde indicating that Ms. Van Heerde's long distance service had been switched to Furst Group by a deceptive telemarketer. Furst Group has issued a partial credit for an error concerning the Complainant's address. Furst Group has provided a tape of the verification conversation. The Complainant is not satisfied with the offered resolution and has requested further consideration by the Commission.

Staff Analyst: Leni Healy

Staff Attorney: Camron Hoseck

Date Filed: 11/18/99

Intervention Deadline: NA

CT99-060 In the Matter of the Complaint filed by Rueben W. Hoffmann, Aberdeen, South Dakota, against OLS, Inc. Regarding Unauthorized Switching of Services.

The Complainant indicates that he received a call from a telemarketer claiming to be with AT&T who wanted to combine his billing. As a result he received a billing from OLS. The Complainant is requesting removal of all charges and \$1000.

Staff Analyst: Leni Healy

Staff Attorney: Camron Hoseck

Date Filed: 11/19/99

Intervention Date: NA

CT99-061 In the Matter of the Complaint filed by Normajean Johnson, Vermillion, South Dakota, against OLS, Inc. Regarding Unauthorized Switching of Services.

The Complainant claims that her long distance service was with Promise Net. When she received her billing, she was billed by OLS, Inc. at a higher rate.

Staff Analyst: Leni Healy
Staff Attorney: Karen Cremer
Date Filed: 11/22/99
Intervention Date: NA

CT99-062 In the Matter of the Complaint filed by Marilyn Crompton, Aberdeen, South Dakota, against OLS, Inc. Regarding Unauthorized Switching of Services.

The Complainants indicate that a telemarketer representing U S WEST called her concerning her billing. As a result of this conversation, her service was switched to OLS, Inc. The Complainant requests that a large fine should be assessed to OLS for this activity.

Staff Analyst: Leni Healy
Staff Attorney: Karen Cremer
Date Filed: 11/22/99
Intervention Deadline: NA

CT99-063 In the Matter of the Complaint filed by Allen and Joyce Beckler, Aberdeen, South Dakota, against OLS, Inc. Regarding Switching of Services through Deceptive Telemarketing Practices.

The Complainants indicate that a telemarketer contacted them indicating that she was with U S WEST contacting them about billing issues. As a result of the call, their service was switched to OLS, Inc. The Complainants request that all assessed charges be dropped and that \$1000 in penalties be paid to them.

Staff Analyst: Leni Healy
Staff Attorney: Karen Cremer
Date Filed: 11/22/99
Intervention Date: NA

TELECOMMUNICATIONS

TC99-106 In the Matter of the Establishment of Different Rates for Interconnection and Unbundled Network Elements in at Least Three Geographic Areas.

In August of 1996, the Federal Communications Commission (FCC) issued its Local Competition Order implementing section 251 of the federal Telecommunications Act of

1996. Section 51.507(f) required each state commission to establish different rates for interconnection and unbundled network elements (UNEs) in at least three geographic areas within the state to reflect geographic cost differences. The Eighth Circuit subsequently stayed and then vacated the deaveraging rule. Based on those decisions, the Commission did not establish different rates for different geographic areas. However, in January of 1999, the U. S. Supreme Court reversed the Eighth Circuit's decision. On May 7, 1999, the FCC stayed the effectiveness of the rule in order to allow states additional time to comply with the rule. By order released November 2, 1999, the FCC ruled that the stay will be lifted on May 1, 2000. In the Matter of the Federal-State Joint Board on Universal Service, CC Docket 96-45, Ninth Report and Order and Eighteenth Order on Reconsideration, FCC 99-306, paragraph 120 (rel. Nov. 2, 1999). The order provides that by May 1, 2000, "states are required to establish different rates for interconnection and UNEs in at least three geographic areas pursuant to section 51.507(f) of the Commission's rules." Id. At its November 15, 1999, meeting, the Public Utilities Commission (Commission) considered how to proceed in this matter. After listening to comments from interested persons, the Commission decided to request written comments on how to proceed from interested persons or entities. On or before December 17, 1999, interested persons or entities may file written comments on how the Commission should establish different rates for interconnection and UNEs in at least three geographic areas within the state to reflect geographic cost differences. The Commission is interested in comments on whether the Commission may comply with the FCC's order to establish different rates for interconnection and UNEs in at least three geographic areas through a rulemaking or whether different rates must be established for specific companies in contested case dockets. Interested persons or entities may submit proposed rules along with their comments.

Staff Analyst: Harlan Best

Staff Attorney: Karen Cremer and Camron Hoseck

Date Opened: 11/19/99

Written Comments Due: On or before 12/17/99

TC99-107 In the Matter of the Consideration of the Assessment of Fines and Other Penalties against Western Telecom; In the Matter of the Consideration of the Assessment of Fines and Other Penalties against Touchtone Communications.

At its November 15, 1999, meeting, the Commission voted to issue Orders to Show Cause against Western Telecom and Touchtone Communications as to why Western Telecom and Touchtone Communication should not be assessed civil fines or other penalties for violations of South Dakota laws. The Commission also ordered the company to submit a complete listing of South Dakota customers.

Staff Analyst: Leni Healy

Staff Attorneys: Camron Hoseck and Karen Cremer

Date Filed: 11/22/99

Intervention Deadline: 12/10/99

TC99-108 In the Matter of the Application of NetLojix Telecom, Inc. for a Certificate of Authority to Provide Telecommunications Services in South Dakota.

NetLojix Telecom, Inc. has filed a request for a Certificate of Authority to operate as a reseller of intrastate interexchange telecommunications services in South Dakota. NetLojix Telecom intends to offer direct dialed 1+ service, inbound/outbound message telecommunications service, switched and dedicated services, toll free service and post-paid calling service to and from all points within the State of South Dakota.

Staff Analyst: Michele Farris

Staff Attorney: Camron Hoseck

Date Filed: 11/23/99

Intervention Date: 12/10/99

TC99-109 In the Matter of the Filing for Approval of an Interconnection Agreement between U S WEST Communications, Inc. and New Edge Network, Inc. dba New Edge Networks.

On November 23, 1999, the Public Utilities Commission received an interconnection agreement between New Edge Network, Inc. d/b/a New Edge Networks and U S WEST Communications, Inc. for approval by the Commission. The agreement governs services for resale and certain unbundled network elements, ancillary functions and additional features (collectively referred to as "Network Elements") for New Edge Networks' offering and provisioning of telecommunications services. The agreement addresses interconnection and reciprocal compensation for the exchange of local traffic.

Any party wishing to comment on the agreement may do so by filing written comment with the Commission and the parties to the agreement no later than December 17, 1999. Parties to the agreement may file written responses to the comments no later than December 27, 1999.

Staff Attorney: Camron Hoseck

Date Filed: 11/23/99

Comments Due: 12/17/99

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DEC 06 1999

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE CONSIDERATION)
OF THE ASSESSMENT OF FINES AND OTHER)
PENALTIES AGAINST WESTERN TELECOM)

LIST OF CUSTOMERS
SUBMITTED BY
WESTERN TELECOM

IN THE MATTER OF THE CONSIDERATION)
OF THE ASSESSMENT OF FINES AND OTHER)
PENALTIES AGAINST TOUCHTONE)
COMMUNICATIONS)

TC99-107

Tradex International, Inc., a Washington corporation d/b/a Western Telecom, herewith provides its list of current customers on the attached sheets.

Dated this 3rd day of December, 1999.

Floyd L. Newland

Floyd L. Newland, WSBA #1009
Of Karr Tuttle Campbell
Attorneys for Western Telecom

Current Direct Billing List

TELEPHONE #	NAME	ADDRESS		CITY	STATE	ZIP
6052239889	JANET REDDEN	PO BOX 1011		FORT PIERRE	SD	57532
6052256372	NATHAN GREEN	PO BOX 495		ABERDEEN	SD	57401
6052256782	HEATHER OSTERKAMP	1315 S HIGH	#58	ABERDEEN	SD	57401
6052285980	HOLLY MEIDINGER	224 2ND AVE SW	#4	ABERDEEN	SD	57401
6052284493	DEB THORSTENSON	907 WASHINGTON ST		ABERDEEN	SD	57401
6053304010	JEFF HOFFMAN	6200 N CLIFF AVE		SIOUX FALLS	SD	57103
6053323852	STACI BYERLEY	2712 E SIOUX ST		SIOUX FALLS	SD	57103
6053326873	ANGEL ALNENDAREZ	1409 N BLAUVELT AVE		SIOUX FALLS	SD	57103
6053344071	DENNIS & BELIND JOHN	624 OLD BROOK PLACE		SIOUX FALLS	SD	57103
6053347084	DARCIE KNIGHT	1516 S SHERMAN AVE		SIOUX FALLS	SD	57106
6053355792	LORI SHAMBAUGH	421 S THOMPSON AVE		SIOUX FALLS	SD	57105
6053380208	GERRI MOSSET	201 N JUNIPER PL		SIOUX FALLS	SD	57103
6053389140	LAURIE BRUNZ	623 S 2ND AVE		SIOUX FALLS	SD	57107
6053393328	BARB BIXBY	1313 N CLEVELAND AVE	#23	SIOUX FALLS	SD	57104
6053399884	JOLEEN VISSERS	4600 EAST 26TH ST	LOT 44	SIOUX FALLS	SD	57110
6053415820	FRED ALLABAUGH	714 N 7TH ST		RAPID CITY	SD	57701
6053420826	MARIE LARSON	2203 S RIDGE RD		RAPID CITY	SD	57701
6053427088	HALONA AMIOTTE	1217 HILL ST		RAPID CITY	SD	57701
6053427783	JOSHUA PRECHT	425 FAIRLANE RD	#2	RAPID CITY	SD	57701
6053437728	CHARLES PATTERSON	11517 NEMO RD		RAPID CITY	SD	57702
6053474814	VICOTY WANG	HC 80 B 798-40		PIEDMONT	SD	55789
6053481980	GEOFFREY L HOOPER	1410 QUINCY ST		RAPID CITY	SD	57701
6053485203	GARLAND LOWMAN	2128 MAYWOOD DRIVE		RAPID CITY	SD	57701
6053527859	BRAD K BADER	1789 ILLINOIS AVE SW		HURON	SD	57350
6053531228	CHARLES GASCOIGNE	678 UTAH AVE SE		HURON	SD	57350
6053578063	BONNIE PEKRON	3500 N 4TH AVE	#208	SIOUX FALLS	SD	57104
6053621992	AMY FICK	4801 S OXBOW	#1	SIOUX FALLS	SD	57108
6053880742	NICHOLE WOODWARD	1702 E HWY 44	#181	RAPID CITY	SD	57703
6053888620	JOHN BUSH	1311 ATLAS ST	#104	RAPID CITY	SD	57703
6053930788	DALE HJELSETH	2012 PACIFIC LN		RAPID CITY	SD	57701
6053991610	ROBIN CIRCLE EAGLE	4007 ELM AVE	#208	RAPID CITY	SD	57703
6053999730	RIUDIE HOCHHALTER	5700 CLEGHORN CANY		RAPID CITY	SD	57702
6054325918	SUE DALY	316 W 5TH AVE		MILBANK	SD	57252
6054327869	TONI PAVELSKY	307 S 4TH ST		MILBANK	SD	57252
6054329735	WAYNE THYNE	RR 1 BOX 90		CORONAK	SD	57227
6054626492	LORI SCHMIDT	PO BOX 25		NORIS	SD	57580

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 6055782807 DOREEN STEWART
 6055782796 THERESA PONTIUS
 6056248114 JIM WILSON
 6056421083 JUNE CHASE
 6056441646 PAM JENKINS
 6056651188 WALLACEW GADDIS
 6056689259 MARI RARRAT
 6056689487 THERESA WALTON
 6054272749 BARBARA GILLAM
 6057340880 D ARBACH
 6057346918 TAMMIE LARSEN
 6057346251 SALLIE HILL
 6057472853 MELISSA WHITING
 6057472950 VONDA WHIPPLE
 6057632427 TROY BAK
 6057632777 IDA STONER
 6057674782 DEAN GUNNARE
 6058452195 ROCHELLE DUPRIS
 6058653476 DARSHAN LONG
 6058867424 CHERYL KAAZ
 6058920155 SHERRI VANDERVLIT
 6059231570 RICHARD & TR KILLMEY
 6059233624 SHERRY HUBER
 6059234347 JETANNE RABIDEAU
 6059235213 MATTHEW CHASE
 6059235669 JENNIFER KUEHL
 6059238308 LILLIAN GILKES
 6059238370 SUE CROCKETT
 6059238573 JERRED SHORTHILL
 6059284073 JOANN GILL
 6059450128 RICK & BARB COLLIGN
 6059950837 MATT BUCHOLZ
 6059988028 CHARRYM, DAVID JOHNS
 6059988987 MICHAEL D RYAN
 6124350139 PAM OTTENBACHER
 7018524649 LOREN PELTIER
 6059233624 RICHARD MEROLD

605 3 7TH AVE
 388 WILLIAMS
 16 WASHINGTON ST
 205 N WILLOW ST
 405 MAIN ST
 3005 8TH AVE
 302 E 3RD ST
 1527 E 34TH ST N
 1304 MEADOW VIEW RD
 PO BOX 822
 17 TANK ST
 PO BOX 794
 211 E KING AVE
 PO BOX 474
 PO BOX 426
 205 E BIRCH
 510 N 5TH ST
 PO BOX 123
 912 2ND AVE W
 PO BOX 55
 306 5TH AVE SW
 PO BOX 815
 9987 B NEWELL AVE
 1013 N LACROSSE ST A
 629 BEADLE CRT
 117 S ELLSWORTH RD
 9642A JEFFERSON DR
 9630A JEFFERSON DR
 2636 ARNOLD DR
 1918 IVY AVE
 501 1ST ST
 334 N EVANS ST
 600 W 15TH AVE
 901 N ROWLEY
 1020 W NORWAY
 1809 17TH AVE SE
 NO 1 6TH ST SW
 235 DOUGLAS RD

#13
#7

#2

#6

LOT 50

#201

#27

#21

#216

#11

LOT 7

REDFIELD SD 57489
 DEADWOOD SD 57732
 DEADWOOD SD 57732
 VERMILLION SD 57069
 SPEARFISH SD 57783
 SPEARFISH SD 57783
 MISSION HILL SD 57046
 SIOUX FALLS SD 57104
 YANKTON SD 57078
 ARMOUR SD 57313
 OACOMA SD 57365
 CHAMBERLAIN SD 57325
 CHAMBERLAIN SD 57325
 ROSEBUD SD 57570
 ROSEBUD SD 57570
 BERESFORD SD 57004
 BERESFORD SD 57004
 PIEDMONT SD 57769
 MOBRIDGE SD 57601
 TIMBER LAKE SD 57658
 BELLE FOURC SD 57717
 BELLE FOURC SD 57717
 ELLSWORTH SD 57706
 RAPID CITY SD 57701
 ELLSWORTH SD 57706
 BOX ELDER SD 57719
 ELLSWORTH SD 57706
 ELLSWORTH SD 57706
 ELLSWORTH SD 57706
 RAPID CITY SD 57701
 PARKSTON SD 57366
 PIERRE SD 57501
 MITCHELL SD 57301
 MITCHELL SD 57301
 MITCHELL SD 57301
 ABERDEEN SD 57401
 MINOT SD 58701
 BOX ELDER SD 57719

LAW OFFICES
OLINGER, LOVALD, ROBBENNOLT, McCAHREN & REIMERS, P.C.
117 EAST CAPITOL
P.O. BOX 66

PIERRE, SOUTH DAKOTA 57501-0066

TELEPHONE: 224-8851
AREA CODE 605
FAX: 605-224-8269

RONALD D. OLINGER
JOHN S. LOVALD
JAMES ROBBENNOLT
LEE C. "KIT" McCAHREN
WADE A. REIMER

January 25, 2000

FAX Received JAN 25 2000

Cameron Hosek
Public Utilities Commission
500 E Capitol
Pierre SD 57501

RECEIVED

JAN 26 2000

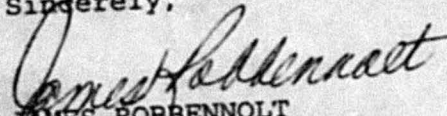
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Re: Western Telecom -
Motion for Continuance and Joinder

Dear Cameron:

Enclosed please find Motiona for Continuance and Joinder in Staff's
Motion for Continuance regarding the above-entitled matter. Thank
you.

Sincerely,


JAMES ROBBENNOLT
Attorney at Law

JR/lrd

enclosure

FAX Received JAN 25 2000

RECEIVED

JAN 26 2000

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN THE MATTER OF THE CONSIDERATION OF	)	TC99-107
THE ASSESSMENT OF FINES AND OTHER)	
PENALTIES AGAINST WESTERN TELECOM	)	MOTION FOR CONTINUANCE
		and JOINDER IN STAFF'S
IN THE MATTER OF THE CONSIDERATION OF	)	MOTION FOR CONTINUANCE
THE ASSESSMENT OF FINES AND OTHER)	
PENALTIES AGAINST TOUCHTONE)	
COMMUNICATIONS)	

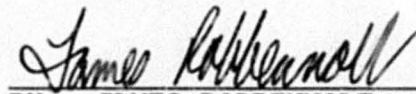
COMES NOW James Robbennolt, attorney for Western Telecom in the above-captioned action and moves the Commission for an Order indefinitely continuing the hearing the above-captioned action which is presently scheduled for Tuesday, February 1, 2000, at 9:00 o'clock a.m. at the Chamber of Commerce meeting room. The reasons upon which the Motion for Continuance is made include the large number of consumer complaints contained in the file, the complicated issues involved in the relationship of Western Telecom and Touchtone Communications, which issues require extensive further investigation and factual determinations, and the fact that the undersigned was only retained by Western Telecom on January 6, 2000, and in fact did not have any information relating to the file until after January 11, 2000, when a conference was held with counsel for the Commission staff.

Additionally, the undersigned has been informed by the Commission staff's counsel that he intends to file a Motion for Continuance as well and the undersigned would join in that motion based upon the reasons stated above and the fact that if the hearing is held as presently scheduled very little could be accomplished, and in all likelihood further proceedings would need to be scheduled to resolve the issues presented by the complaints

presently on file as well as other matters. An indefinite continuance at this time is being requested based upon the amount of work which needs to be accomplished before this matter is ready for hearing.

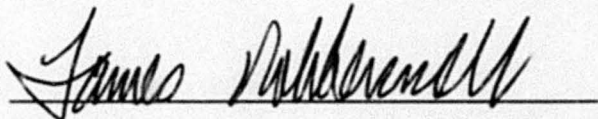
Dated this 25th day of January, 2000.

OLINGER, LOVALD, ROBBENNOLT,
McCAHREN & REIMERS, P.C.
117 E. Capitol
PO Box 66
Pierre, SD 57501


BY: JAMES ROBBENNOLT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 25th day of January, 2000, he mailed a true and correct copy of the foregoing Motion for Continuance to Cameron Hosek, Counsel for Public Utilities Commission Staff 500 E Capitol, Pierre, South Dakota 57501 and that said mailing was by U. S. mail, first class with postage thereon prepaid and mailed at the U. S. Post Office in Pierre, South Dakota.



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

**IN THE MATTER OF THE CONSIDERATION OF)
THE ASSESSMENT OF FINES AND OTHER)
PENALTIES AGAINST WESTERN TELECOM)**

**MOTION FOR
CONTINUANCE**

**IN THE MATTER OF THE CONSIDERATION OF)
THE ASSESSMENT OF FINES AND OTHER)
PENALTIES AGAINST TOUCHTONE)
COMMUNICATIONS)**

TC99-107

Comes now Staff of the Public Utilities Commission (Commission) which respectfully moves the Commission for an indefinite continuance in the above captioned matter for the following reasons:

1. The Order To Show Cause in this matter setting February 1, 2000, places an unrealistic deadline upon Staff for it to complete its discovery work, conduct any negotiations with the companies, or in the final analysis, to prepare a case to present to the Commission.

2. Commission Staff is not prepared at this point in time to present a case to the Commission.

3. The public interest would be better served if more time was allowed in which to process this matter.

WHEREFORE, Commission Staff respectfully requests that an indefinite continuance be granted in this matter for it to conduct its affairs. When the time arrives that Staff, either on its own accord or in conjunction with the subject companies, decides that the case is ready for Commission consideration, it will notify the Commission.

Dated this 25th day of January, 2000.



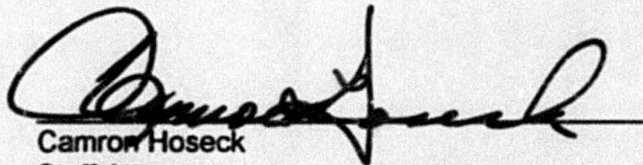
Camron Hoseck
Staff Attorney
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501
Telephone (605) 773-3201



Karen E. Cremer
Staff Attorney
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501
Telephone (605) 773-3201

CERTIFICATE OF SERVICE

I hereby certify that a copy of Motion To Continue was served by facsimile on Jim Robbennolt on this the 25th day of January, 2000.



Camron Hoseck
Staff Attorney

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

**IN THE MATTER OF THE CONSIDERATION OF)
THE ASSESSMENT OF FINES AND OTHER)
PENALTIES AGAINST WESTERN TELECOM)**

**ORDER CANCELLING
HEARING AND GRANTING
CONTINUANCE**

**IN THE MATTER OF THE CONSIDERATION OF)
THE ASSESSMENT OF FINES AND OTHER)
PENALTIES AGAINST TOUCHTONE)
COMMUNICATIONS)**

TC99-107

At its November 15, 1999, meeting, the Public Utilities Commission (Commission) unanimously voted to issue Orders to Show Cause against Western Telecom and Touchtone Communications as to why Western Telecom and Touchtone Communications should not be assessed civil fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 or assessed civil fines of not more than \$20,000 for each alleged violation of SDCL 49-31-89 to 49-31-97, inclusive and ARSD Chapter 20:10:34 pursuant to SDCL 49-31-94. The Commission also unanimously voted to order Western Telecom and Touchtone Communications to provide the Commission with a complete list of their current South Dakota subscribers, including the subscribers' billing addresses pursuant to SDCL 49-31-95.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 49-13 and 49-31, specifically 49-13-1 to 49-13-16, inclusive, 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-7.3, 49-31-7.4, 49-31-10, 49-31-11, 49-31-38 to 49-31-38.3, inclusive, 49-31-89 to 49-31-97, inclusive, and ARSD Chapter 20:10:34.

The Orders to Show Cause were issued on November 22, 1999, and set the hearing for February 1, 2000, beginning at 9:00 a.m., at the Chamber of Commerce Meeting Room, 800 W. Dakota Ave., Pierre, South Dakota. On January 25, 2000, the Commission received a Motion for Continuance from Commission Staff and a Motion for Continuance and Joinder in Staff's Motion for Continuance from Western Telecom. Staff and Western Telecom both requested an indefinite continuance.

At its January 27, 2000, meeting, the Commission considered the motions. The Commission voted unanimously to grant the continuance. The Commission also requested an updated report within one month regarding the status of this case. It is therefore

ORDERED, that the motions for continuance are granted and the hearing scheduled for February 1, 2000, is cancelled; and it is

FURTHER ORDERED, that the parties shall give the Commission an updated report within one month regarding the status of this case.

Dated at Pierre, South Dakota, this 31st day of January, 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: Alvin Kaebo

Date: 2/1/00

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner



South Dakota Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070



February 17, 2000

William Bullard
Executive Director
South Dakota Public Utilities Commission
500 E. Capitol
Pierre, SD 57501

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5280
FAX (605)773-3225

Consumer Hotline
1-800-332-1782

TTY Through
Relay South Dakota
1-800-877-1113

Internet Website
www.puc.state.sd.us/puc/

Jim Burg
Chairman
Pam Nelson
Vice-Chairman
Laska Schoenfelder
Commissioner

William Bullard Jr.
Executive Director

Harlan Best
Martin C. Bettmann
Sue Cichos
Karen E. Cremer
Terry Emerson
Michele M. Farris
Marlette Fischbach
Heather K. Forney
Shirleen Fugitt
Mary Giddings
Lewis Hammond
Leri Healy
Cameron Hoseck
Lisa Hull
Dave Jacobson
Bob Knadle
Delaine Kolbo
Charlene Lund
Gregory A. Ralov
Keith Senger
Rolayne Ailts Wiest

Re: Western Telecom/ Touchtone
TC99-107

Dear Mr. Bullard:

The Commission, in cancelling the scheduled hearing in this matter, ordered an update within one month of its January 27, 2000 meeting.

Commission staff wishes to report that work on the case continues. A dialogue between the companies' local attorney and staff continues. Discovery has taken place. More may be necessary in the future. Further, pursuant to the Order to Show Cause issued in this case, the companies have furnished lists of customers. Staff has been in the process of contacting these customers; the latest round of responses are due to staff on February 29, 2000.

Based on the nature of the case and the experience of counsel, there is no indication to date that either the companies or staff have been unduly prolonging these proceedings. When dispositive Commission action becomes necessary, we will work with opposing counsel and Commission advisory staff to schedule a hearing.

Very truly yours,

Cameron Hoseck
Staff Counsel

Karen Cremer
Staff Counsel

cc: Jim Robbennolt

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

IN THE MATTER OF THE CONSIDERATION OF)	
THE ASSESSMENT OF FINES AND OTHER	)	REQUEST FOR NOTICE OF
PENALTIES AGAINST WESTERN TELECOM	)	PROCEEDINGS TO GARY
	)	KEISTER
IN THE MATTER OF THE CONSIDERATION OF)	
THE ASSESSMENT OF FINES AND OTHER	)	TC99-107
PENALTIES AGAINST TOUCHTONE		
COMMUNICATIONS		

On November 22, 1999, the South Dakota Public Utilities Commission (Commission) entered Orders to Show Cause and Orders to Produce Lists of Customers in the above captioned cases. In these Orders, specifically at paragraph 14, the Commission makes reference to the imposition of civil fines pursuant to SDCL 49-31-38.1.

A feature of SDCL 49-31-38.1 is the imposition of liability upon a director or officer of a telecommunications company, its receiver, trustee, lessee, agent or person acting for or employed by such corporation for violation of South Dakota's telecommunications law.

The undersigned reasonably believe Gary Keister to be an officer of Tradex International, Inc. and that he may also serve that corporation in other capacities. Attached as Exhibit A is a certified copy of the records of the State of Washington which indicate that Gary Keister is the president of Tradex International Inc.

Further, Western Telecom holds itself out to the public as a division of Tradex International, Inc. in that its letterhead so indicates, see Exhibit B.

Further, Western Telecom, Inc. has entered into a name and copyright agreement with Touchtone Communications, Inc. for the purpose of marketing and billing customers, see Exhibit C.

Based upon the foregoing and other evidence which it intends to introduce at the hearing in this matter, the staff of the Commission intends to seek the imposition of civil fines upon Gary Keister as a director, officer, trustee, lessee, agent or person acting for or employed by a telecommunications company of not less than five hundred nor more than five thousand dollars for each offense of Western Telecom and Touchtone Communications, Inc. in South Dakota in accordance with SDCL 49-31-38.1.

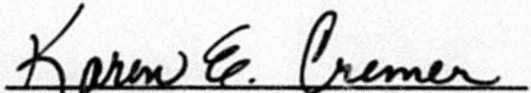
Inasmuch as the Commission in issuing its Orders to Show Cause in this docket has given notice of the possible imposition of the terms of SDCL 49-31-38.1 and it is anticipated that an Order for and notice of hearing is forthcoming in this docket, said hearing having been informally scheduled among the respective counsel and the Commission's calendar clerk for July 17, 2000, and in order to comply with the requirements of SDCL 1-26-17, Commission staff respectfully request that any notice of and order for hearing specifically notify Gary Keister of said hearing.

Page 2

Dated this 1st day of June, 2000.



Camron Hcseck
Staff attorney



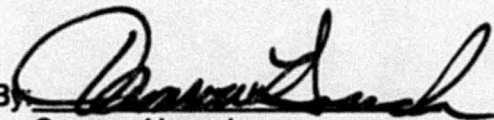
Karen Cremer
Staff attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of June, 2000, I sent to:

James Robbennolt
Olinger, Lovald, Robbennolt, McCahren & Reimers, P.C.
117 East Capitol
P.O. Box 66
Pierre, SD 57501-0066

by first class mail, postage thereon prepaid, a true and correct copy of this Request for Notice of Proceeding to Gary Keister in South Dakota Public Utilities Commission Docket TC99-107.

By 

Camron Hcseck
Staff Attorney
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501

RECEIVED

JUN 01 2000

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

STATE of WASHINGTON



SECRETARY of STATE

I, RALPH MUNRO, Secretary of State of the State of Washington and custodian of its seal,

hereby certify by this certificate that the attached is a true and correct copy of

LICENSE RENEWAL & ANNUAL REPORT

of

TRADEX INTERNATIONAL INC.

as filed in this office on January 25, 2000.



Date: May 30, 2000

*Given under my hand and the Seal of the State
of Washington at Olympia, the State Capital*

Ralph Munro, Secretary of State

Ex. A.



STATE OF WASHINGTON
DEPARTMENT OF LICENSING
MASTER LICENSE SERVICE
Renewal Agent for SECRETARY OF STATE

025-1205.0
2000

**PROFIT CORPORATION
LICENSE RENEWAL & ANNUAL REPORT**

old Corporation Name, Registered Agent & Registered Office Address:

9950-W

98101

OFFICE USE ONLY

1412 000 400 012500

59.00

EXP. DATE: 0000

0000997 Au 000010 13 0 1200 98101-328425

TRADEX INTERNATIONAL INC.
C/O FLOYD NEWLAND
1201 3RD AVE STE 2900
SEATTLE WA 98101-3284

Unified Business ID #: 601 600 622

Corporation Account #: 25043324

State of Incorporation: WA

Date of WA Inc./Auth.: 01-24-1995

Expiration Date*: 01-31-2000*

Submit completed renewal/annual report & fees by the expiration date to avoid \$25.00 late fee, or possible dissolution/revocation

✓ If the registered agent and/or office address shown above has changed, mark the box and complete the reverse side.

CENSE RENEWAL SECTION

* After renewal your new expiration date will be: 01-31-2001

INVESTIC PROFIT CORPORATION

\$50.00

RENEWAL APPLICATION FEE

9.00

FAILURE TO RETURN COMPLETED FORM AND PAY FEES BY THE EXPIRATION DATE WILL RESULT IN DELINQUENCY FEES AND MAY LEAD TO THE DISSOLUTION OF YOUR CORPORATION.

Make check payable to **STATE TREASURER**
in U.S. FUNDS only
TOTAL FEES DUE: \$59.00

FEES & REPORT REQUESTED BY: 01-18-2000

ANNUAL REPORT SECTION

You must COMPLETE THE ENTIRE SECTION BELOW each year. Type or print legibly in dark ink.

Telephone number of corporation: ()

Address of principal place of business in WA:

Incorporated outside of Washington give the principal office address in the state or country of origin:

Briefly describe the nature of your business conducted in Washington:

Now list the name & address of all corporate officers, & all directors. (Attach additional sheets in the same format, if necessary include your USBI on each page.)

President's Name

Address

City

State

Zip

Vice President's Name

Address

City

State

Zip

Secretary's Name

Address

City

State

Zip

Additional Name

Address

City

State

Zip

ALL SIGNATURES MUST BE IN DARK INK

IF YOU SAY YOU HAVE "NO DIRECTORS" YOU MUST LIST WHO HANDLES THE DUTIES NORMALLY PERFORMED BY CORPORATE DIRECTORS

Julia C. Lawrence
ORIGINAL SIGNATURE OF AN OFFICER OR BOARD CHAIR
(NAME MUST APPEAR ON ANNUAL REPORT)

Secretary, Treasurer
TITLE

1/20/00
DATE SIGNED

Please return to: **DEPARTMENT OF LICENSING
MASTER LICENSE SERVICE
PO BOX 9884
OLYMPIA WA 98507-9834**

The Department of Licensing has a policy of providing equal access to its services. If you need special accommodation, please call (360) 664-1400 or TDD (360) 586-2789.

**PROFIT CORPORATION
STATEMENT OF CHANGE OF REGISTERED AGENT
OR REGISTERED OFFICE ADDRESS**

RCW 23B

Submitted In Conjunction With The License Renewal & Annual Report

Please type or print in dark ink.

Name of Profit Corporation: Tradex International Inc.

Unified Business Identifier Number: 601600622 Corp. Account Number: 25043324

1. NEW REGISTERED AGENT'S CONSENT The Registered Agent must be a resident of, or a corporation registered in Washington State.

Name of new (successor) Registered Agent (please print): KTC SERVICE CORPORATION

I hereby consent to serve as Registered Agent. As such, I will accept and forward Service of Process and all mail to the corporation. In the event of my resignation, or any change in the Registered Office address, I will notify the Secretary of State immediately.

x By: Inge Johnson Asst. Secy/RA Services 1/1/2000
Signature of Agent named above Title Date Signed

If you are signing as the authorized representative of a corporation you must give your title

2. NEW REGISTERED OFFICE ADDRESS

The Registered Office address is required. It must be identical to the business address of the Registered Agent and must be located in the state of Washington. A Post Office Box address may be used for mailing purposes in conjunction with the street address, but both must be located in the same city.

New Reg. Address: 1201 3rd Ave Suite 2400 Seattle WA 98101-3028
Required Street & Number, or Rural Route City State Zip Code

PO Box for Mailing: Optional Post Office Box Number Zip Code

3. STATEMENT OF AFFECTED CORPORATION Complete statement A or B and sign below.

A. The change of Registered Agent was authorized by a resolution duly adopted by the Board of Directors of the corporation and becomes effective on:

1/1/2000
DATE BOARD RESOLUTION BECOMES EFFECTIVE

B. The only change to be recorded is the relocation of the Registered Office. The Registered Agent notified the Secretary of the corporation of the change of the Registered Office address on:

1/1/00
DATE CORPORATION SECRETARY WAS NOTIFIED

IN TESTIMONY WHEREOF, this statement is signed by:

x Julia O. Lawrence Secretary/Treasurer 1/20/00
Signature Title Date Signed

*This statement must be signed by: an officer of the corporation, or the chairperson of the board of directors. However, if the only change to be recorded is the relocation of the Registered Office, the Registered Agent may sign this form.

025-1205 1
2000

TRADEX INTERNATIONAL INC. (UBI 601-600-622)
PROFIT CORPORATION LICENSE RENEWAL & ANNUAL REPORT - 2000

Telephone number of corporation: (206) 301-9009

Address of principal place of business in WA:

701 DEXTER AVE N Ste 410
1800 Westlake Ave. N., Suite 301
Seattle, WA 98109

If incorporated outside of Washington, give the principal
office address in the state or country of origin:

N/A

Nature of business conducted in WA:

MARKETING

Address for all officers and directors is:

c/o 701 DEXTER AVE N Ste 410
1800 Westlake Ave. N., Suite 301
Seattle, WA 98109

President

Gary Keister

Vice President

JAMES E SYLVESTER

Secretary

JULIA O LAWRENCE

Treasurer

JULIA O LAWRENCE

Directors

None
Meagan Keister
Matthew Keister
John Keister
Julie Lawrence



WESTERN TELECOM

A DIVISION OF TRADEX INTERNATIONAL, INC.

April 14, 2000

Wisemumieux for
Gary J. Keister
President

Enclosure

Touchtone Communications, Inc.
3129 Edenborne Ave., Suite 202.
Metairie, Louisiana 70002

LICENSE AGREEMENT

Touchtone Communications, Inc. and/or the owner(s) of the Touchtone name and copyright grants Western Telecom a royalty free license for purposes of marketing and billing customers whose account are sold to Western Telecom or Wescom Capital, Inc. This grant is given to facilitate transactions between the parties and to provide Western Telecom with additional security. This grant is revocable without cause when Western Telecom has been paid in full and/or when all terms have been fulfilled.

IN WITNESS WHEREOF the parties have signed this Agreement and the individuals signing below represent that they have the authority to sign for and on behalf of the respective parties.

Touchtone Communications, Inc.

By: Cy [Signature]

Title: President

Date: 6/15, 1998

Western Telecom; a division of Tradex
International, Inc..

By: Gary J. Kouto

Title: Managing Director

Date: 6/24, 1998

EX.C.

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

IN THE MATTER OF THE CONSIDERATION OF)	
THE ASSESSMENT OF FINES AND OTHER	)	SECOND ORDER FOR AND
PENALTIES AGAINST WESTERN TELECOM	)	NOTICE OF HEARING
)	
IN THE MATTER OF THE CONSIDERATION OF	)	TC99-107
THE ASSESSMENT OF FINES AND OTHER)	
PENALTIES AGAINST TOUCHTONE)	
COMMUNICATIONS)	

At its November 15, 1999, meeting, the Public Utilities Commission (Commission) unanimously voted to issue Orders to Show Cause against Western Telecom and Touchtone Communications as to why Western Telecom and Touchtone Communications should not be assessed civil fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 or assessed civil fines of not more than \$20,000 for each alleged violation of SDCL 49-31-89 to 49-31-97, inclusive and ARSD Chapter 20:10:34 pursuant to SDCL 49-31-94. The Commission also unanimously voted to order Western Telecom and Touchtone Communications to provide the Commission with a complete list of their current South Dakota subscribers, including the subscribers' billing addresses pursuant to SDCL 49-31-95.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 49-13 and 49-31, specifically 49-13-1 to 49-13-16, inclusive, 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-7.3, 49-31-7.4, 49-31-10, 49-31-11, 49-31-38 to 49-31-38.3, inclusive, 49-31-89 to 49-31-97, inclusive, and ARSD Chapter 20:10:34.

The Orders to Show Cause were issued on November 22, 1999, and set the hearing for February 1, 2000, beginning at 9:00 a.m., at the Chamber of Commerce Meeting Room, 800 W. Dakota Ave., Pierre, South Dakota. On January 25, 2000, the Commission received a Motion for Continuance from Commission Staff and a Motion for Continuance and Joinder in Staff's Motion for Continuance from Western Telecom. Staff and Western Telecom both requested an indefinite continuance. At its January 27, 2000, meeting, the Commission granted the continuance. On June 1, 2000, Commission Staff filed a Request for Notice of Proceedings to Gary Keister. In its request, Commission Staff asked that the Commission give notice of any hearing to Gary Keister whom Staff believes to be an officer of Tradex International, Inc. (Tradex). Staff stated that Western holds itself out to the public as a division of Tradex and that Western has entered into a name and copyright agreement with Touchtone. By this order, the Commission sets the Orders to Show Cause for hearing again. Pursuant to Commission Staff's request, this Order for and Notice of Hearing shall be sent to Gary Keister. The Commission also incorporates by reference its Orders to Show Cause and Orders to Produce Lists of Customers.

NOW THEREFORE, the Commission orders Western Telecom to appear before it on July 17, 2000, beginning at 1:00 p.m., in LCR 1, State Capitol Building, 500 E. Capitol, Pierre, South Dakota, and show cause why Western Telecom shall not be assessed civil fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 and/or assessed a civil fine of not more than \$20,000 for each alleged violation of SDCL 49-31-89 to 49-31-97, inclusive, and ARSD Chapter 20:10:34 or other penalties.

NOW THEREFORE, the Commission orders Touchtone Communications to appear before it on July 17, 2000, beginning at 1:00 p.m., in LCR 1, State Capitol Building, 500 E. Capitol, Pierre, South Dakota, and show cause why Touchtone Communications shall not be assessed civil fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 and/or assessed a civil fine of not more than \$20,000 for each alleged violation of SDCL 49-31-89 to 49-31-97, inclusive, and ARSD Chapter 20:10:34 or other penalties.

The issues at the hearing are: a) whether Western Telecom shall be assessed civil fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 and/or assessed a civil fine of not more than \$20,000 for each alleged violation of SDCL 49-31-89 to 49-31-97, inclusive, and ARSD Chapter 20:10:34 or other penalties; b) whether Touchtone Communications shall be assessed civil fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 and/or assessed a civil fine of not more than \$20,000 for each alleged violation of SDCL 49-31-89 to 49-31-97, inclusive, and ARSD Chapter 20:10:34 or other penalties. All persons testifying shall be subject to cross examination.

The show cause hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission shall determine: a) whether Western Telecom shall be assessed civil fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 and/or assessed a civil fine of not more than \$20,000 for each alleged violation of SDCL 49-31-89 to 49-31-97, inclusive, and ARSD Chapter 20:10:34 or other penalties; b) whether Touchtone Communications shall be assessed civil fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 and/or assessed a civil fine of not more than \$20,000 for each alleged violation of SDCL 49-31-89 to 49-31-97, inclusive, and ARSD Chapter 20:10:34 or other penalties. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that a hearing shall be held at the time and place specified above on the issues of: a) whether Western Telecom shall be assessed civil fines or other penalties

pursuant to SDCL 49-31-38 through 49-31-38.3 and/or assessed a civil fine of not more than \$20,000 for each alleged violation of SDCL 49-31-89 to 49-31-97, inclusive, and ARSD Chapter 20:10:34 or other penalties; b) whether Touchtone Communications shall be assessed civil fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 and/or assessed a civil fine of not more than \$20,000 for each alleged violation of SDCL 49-31-89 to 49-31-97, inclusive, and ARSD Chapter 20:10:34 or other penalties.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 6th day of June, 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: Delaine Kelbo

Date: 6/6/00

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

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

IN THE MATTER OF THE CONSIDERATION OF)
THE ASSESSMENT OF FINES AND OTHER)
PENALTIES AGAINST WESTERN TELECOM)
)
IN THE MATTER OF THE CONSIDERATION OF)
THE ASSESSMENT OF FINES AND OTHER)
PENALTIES AGAINST TOUCHSTONE)
COMMUNICATIONS)

**ORDER CONTINUING
HEARINGS**

TC99-107

At its November 15, 1999, meeting, the Public Utilities Commission (Commission) unanimously voted to issue Orders to Show Cause against Western Telecom and Touchtone Communications as to why Western Telecom and Touchtone Communications should not be assessed civil fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 or assessed civil fines of not more than \$20,000 for each alleged violation of SDCL 49-31-89 to 49-31-97, inclusive and ARSD Chapter 20:10:34 pursuant to SDCL 49-31-94. The Commission also unanimously voted to order Western Telecom and Touchtone Communications to provide the Commission with a complete list of their current South Dakota subscribers, including the subscribers' billing addresses pursuant to SDCL 49-31-95.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 49-13 and 49-31, specifically 49-13-1 to 49-13-16, inclusive, 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-7.3, 49-31-7.4, 49-31-10, 49-31-11, 49-31-38 to 49-31-38.3, inclusive, 49-31-89 to 49-31-97, inclusive, and ARSD Chapter 20:10:34.

The Orders to Show Cause were issued on November 22, 1999, and set the hearing for February 1, 2000, beginning at 9:00 a.m., at the Chamber of Commerce Meeting Room, 800 W. Dakota Ave., Pierre, South Dakota. On January 25, 2000, the Commission received a Motion for Continuance from Commission Staff and a Motion for Continuance and Joinder in Staff's Motion for Continuance from Western Telecom. Staff and Western Telecom both requested an indefinite continuance.

By order dated June 6, 2000, the hearings were set for July 17, 2000. Commission Staff has requested a continuance. It is therefore

ORDERED, that the hearings scheduled for July 17, 2000, are cancelled and a new hearing date shall be set at a later time.

Dated at Pierre, South Dakota, this 17th day of July, 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: Dulaine & Kelso

Date: 7/11/00

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

RECEIVED

DEC 08 2000

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN THE MATTER OF THE CONSIDERATION OF	)	TC99-107
THE ASSESSMENT OF FINES AND OTHER)	
PENALTIES AGAINST WESTERN TELECOM	)	AGREEMENT REGARDING
	)	ORDERS TO SHOW CAUSE
IN THE MATTER OF THE CONSIDERATION OF	)	AGAINST WESTERN TELECOM
THE ASSESSMENT OF FINES AND OTHER	)	AND
PENALTIES AGAINST TOUCHTONE	)	TOUCHTONE COMMUNICATIONS
COMMUNICATIONS)	

INTRODUCTION

1. This Agreement Regarding Disposition of Orders to Show Cause Against Western Telecom and Touchtone Communications is entered into between the Staff of the State of South Dakota Public Utilities Commission and Western Telecom and Touchtone Communications. (Western Telecom)

2. Western Telecom is a Washington corporation with its principle place of business at 701 Dexter Avenue North, Suite 410, Seattle, Washington 98109. In the past Western Telecom has engaged in the business of reselling interstate long distance telecommunication services.

3. On November 15, 1999, the Commission voted to issue Orders to Show Cause against Western Telecom and Touchtone Communications as to why the companies should not be assessed civil fines or other penalties pursuant to SDCL §49-31-38 through 49-31-38.3 or assessed civil fines of not more than \$20,000.00 for each alleged violation of SDCL §49-31-89 to 49-31-97, inclusive and ARSD Chp. 20:10:34 pursuant to SDCL §49-31-94. Hearing on said Orders was set for February 1, 2000 at 9:00 o'clock a.m. On January 25, 2000, Commission staff and Western Telecom moved for a continuance of the February 1, 2000 hearing which was granted on January 27, 2000. Since that time the parties have met and conferred regarding the issues raised by the Orders to Show Cause.

4. The Orders to Show Cause basically alleged that Western Telecom was conducting telecommunications business in the State of South Dakota without having first received a Certificate of Authority to so do from the Commission and that fourteen (14) complaints had been filed against Western Telecom alleging unauthorized listing of products or services on a subscriber's bill without the subscriber's permission.

5. In the spring of 2000, Western Telecom ceased doing business entirely within the State of South Dakota and presently does not conduct any telecommunication business of any type in this State.

6. All fourteen of the consumer complaints lodged against Western Telecom have now been settled directly with the consumers involved.

7. It is expressly agreed and understood that Western Telecom does not admit to any violation of State or Federal law, rule or regulation, wrongdoing, or liability of any kind on its part or the part of any of Western Telecom's officers, directors, agents, employees, representatives, independent contractors, marketers, or assigns, nor does this Agreement constitute any finding of any such violations, wrongdoing or liability of any kind on its part or the part of any Western Telecom's officers, directors, agents, employees, representatives, independent contractors, marketers or assigns. Indeed Western Telecom expressly denies such wrongdoing.

FINAL SETTLEMENT

8. Western Telecom shall make a voluntary payment in satisfaction of SDCL §49-30-94 to the State of South Dakota in the sum of Five Thousand Dollars (\$5000.00), and pay costs pursuant to

SDCL §49-31-96 to the South Dakota Public Utilities Commission of a sum of One Thousand Five Hundred Dollars (\$1500.00), to reimburse the Commission for its costs of those proceedings specified in Docket TC99-107. These payments shall be in lieu of any other fines, penalties or actions as might be authorized or imposed under SDCL §49-31-38, §49-31-38.1, §49-31-93, §49-31-94, §49-31-95 and §49-31-96, or any other statutes or rules under which the South Dakota Public Utilities Commission is acting. The parties hereto further agree that such payment is fair and reasonable, in the best interests of all parties involved, and an appropriate resolution of TC99-107.

9. The criteria addressed by SDCL §49-31-94 show as follows:

A. Size of the Company: Western Telecom has total stockholders equity of \$1,473,790.30. (This is from Western Telecom Summary Balance Sheet as of April 30, 2000. The Summary Balance Sheet shows TradeEx International, Inc., as the company name, however, Western Telecom does business as TradeEx International, Inc. This Summary Balance sheet is attached to this document as Exhibit 1)

B. Alleged prior offenses, compliance history: See attached list of complainants and the disposition of the complainants which is attached to this document as Exhibit 2.

C. Good faith in attempting to achieve compliance: As previously stated, Western Telecom no longer conducts any business whatsoever in the State of South Dakota and has in good faith settled with each one of the complainants listed on Exhibit 2.

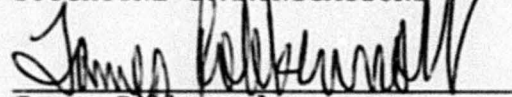
10. It is understood and agreed that this Agreement addresses the cases specifically cited in the Orders to Show Cause in this docket, and any other cases filed against Western Telecom prior to the date this agreement becomes effective. All of the cases cited by the Orders to Show Cause have been settled with the complainants. It is understood and agreed that this Agreement is intended to effectuate a full and final settlement between the

Public Utilities Commission and Western Telecom as to the matters specifically cited in the Orders to Show Cause and subsequent pleadings in this docket and for any similar fines, costs and statutory penalties that could arise concerning any other complaints concerning similar matters or claims or complaints of improper practices of any kind received by the Commission on or before the effective date of this Agreement.

11. The undersigned Staff of the South Dakota Public Utilities Commission agrees to advise the PUC of this resolution, and request the Commission to enter an Order dismissing with prejudice the Orders to Show Cause filed herein by the Commission, and Staff also agrees not to bring any other motion or request for proceedings related to the previously filed complaints itemized in prior pleadings herein, intending this to be a full, final and complete resolution thereof as between the parties hereto. If the Commission does not dismiss this action then the parties hereto agree that Western Telecom shall be given the opportunity to respond in writing prior to this matter being scheduled for determination at a Formal Hearing, and also to respond as necessary with evidence and exhibits relative thereto. Furthermore, this Agreement shall not be final and effective until it is approved and adopted by the South Dakota Public Utilities Commission, and if not so adopted, it shall be of no force and effect.

DATE: Dec 8, 2000

WESTERN TELECOM and
TOUCHTONE COMMUNICATIONS



James Robbenolt
Counsel for Western Telecom and
Touchtone Communications

STATE OF SOUTH DAKOTA
Staff of the Public Utilities
Commission

DATE: Dec. 11, 2000

Karen E. Cremer
Karen Cremer
Attorney for the Commission

05/10/00

Tradex International, Inc.
Summary Balance Sheet
As of April 30, 2000

Ex 1

Apr 30, '00

ASSETS**Current Assets**

Checking/Savings	-1,720.96
Accounts Receivable	3034294.23
Other Current Assets	1372690.68

Total Current Assets 4405263.95**Fixed Assets** 75,789.79**Other Assets** 6,107.75**TOTAL ASSETS** 4487161.49**LIABILITIES & EQUITY****Liabilities****Current Liabilities**

Accounts Payable	685,960.81
Other Current Liabiliti...	2192410.38

Total Current Liabilities 2878371.19**Long Term Liabilities** 135,000.00**Total Liabilities** 3013371.19**Equity** 1473790.30**TOTAL LIABILITIES & EQUIL..** 4487161.49

\$250.00 Ed Blood
\$250.00 Laura Collins
\$250.00 Orman & Nyla Fixsen
\$250.00 Garry Helland
\$500.00 Ingrid McCaulley
\$250.00 Sarah Nelson
\$500.00 Bryan & Natalie Parks
\$500.00 Margaret Putnam
\$250.00 Dean Royer
\$1000.00 Faye Stauffacher
\$250.00 Wyatt Strand
\$250.00 Thomas Tiahrt (Marcine)
\$250.00 Marvin Harnisch
\$250.00 Jory White Bull

EX2

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

IN THE MATTER OF THE CONSIDERATION OF)	ORDER APPROVING
THE ASSESSMENT OF FINES AND OTHER)	AGREEMENT REGARDING
PENALTIES AGAINST WESTERN TELECOM)	ORDERS TO SHOW CAUSE
	AGAINST WESTERN
IN THE MATTER OF THE CONSIDERATION OF)	TELECOM AND
THE ASSESSMENT OF FINES AND OTHER)	TOUCHTONE
PENALTIES AGAINST TOUCHTONE)	COMMUNICATIONS
COMMUNICATIONS)	TC99-107

At its November 15, 1999, meeting, the Public Utilities Commission (Commission) unanimously voted to issue Orders to Show Cause against Western Telecom and Touchtone Communications as to why Western Telecom and Touchtone Communications (Western) should not be assessed civil fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 or assessed civil fines of not more than \$20,000 for each alleged violation of SDCL 49-31-89 to 49-31-97, inclusive and ARSD Chapter 20:10:34 pursuant to SDCL 49-31-94. The Commission also unanimously voted to order Western Telecom and Touchtone Communications to provide the Commission with a complete list of their current South Dakota subscribers, including the subscribers' billing addresses pursuant to SDCL 49-31-95.

The Orders to Show Cause were issued on November 22, 1999, and set the hearing for February 1, 2000. On January 25, 2000, the Commission received a Motion for Continuance from Commission Staff and a Motion for Continuance and Joinder in Staff's Motion for Continuance from Western Telecom. Staff and Western Telecom both requested an indefinite continuance. At its January 27, 2000, meeting, the Commission considered the motions. The Commission voted unanimously to grant the continuance. The Commission also requested an updated report within one month regarding the status of this case. By order dated June 6, 2000, the hearings were set for July 17, 2000. Commission Staff requested a continuance which was granted on July 11, 2000.

On December 11, 2000, an Agreement Regarding Orders to Show Cause Against Western Telecom and Touchtone Communications (the Agreement) was filed with the Commission, said Agreement representing a compromise and settlement of this matter between Western and Staff.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 49-13 and 49-31, specifically 49-13-1 to 49-13-16, inclusive, 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-7.3, 49-31-7.4, 49-31-10, 49-31-11, 49-31-38 to 49-31-38.3, inclusive, 49-31-89 to 49-31-97, inclusive, and ARSD Chapter 20:10:34.

At its duly noticed December 12, 2000, meeting, the Commission considered whether to approve the Agreement. Western appeared through its local counsel of record, James Robbennolt. Commission Staff recommended its approval.

The Commission unanimously voted to approve the agreement. It is therefore

ORDERED, that the Commission approves the agreement; and it is

FURTHER ORDERED, that the terms and conditions of the Agreement shall be incorporated into this Order by reference and attached hereto, the same as if it was fully recited herein and shall as such be fully binding upon the parties to it; and it is

FURTHER ORDERED, that pursuant to the Agreement, the docket shall be closed.

Dated at Pierre, South Dakota, this 2nd day of January, 2001.

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: Neldine Kelbo

Date: 1/4/01

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

RECEIVED

DEC 08 2000

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

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

IN THE MATTER OF THE CONSIDERATION OF	)	TC99-107
THE ASSESSMENT OF FINES AND OTHER)	
PENALTIES AGAINST WESTERN TELECOM	)	AGREEMENT REGARDING
	)	ORDERS TO SHOW CAUSE
IN THE MATTER OF THE CONSIDERATION OF	)	AGAINST WESTERN TELECOM
THE ASSESSMENT OF FINES AND OTHER	)	AND
PENALTIES AGAINST TOUCHTONE)	TOUCHTONE COMMUNICATIONS
COMMUNICATIONS)	

INTRODUCTION

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3. On November 15, 1999, the Commission voted to issue Orders to Show Cause against Western Telecom and Touchtone Communications as to why the companies should not be assessed civil fines or other penalties pursuant to SDCL §49-31-38 through 49-31-38.3 or assessed civil fines of not more than \$20,000.00 for each alleged violation of SDCL §49-31-89 to 49-31-97, inclusive and ARSD Chp. 20:10:34 pursuant to SDCL §49-31-94. Hearing on said Orders was set for February 1, 2000 at 9:00 o'clock a.m. On January 25, 2000, Commission staff and Western Telecom moved for a continuance of the February 1, 2000 hearing which was granted on January 27, 2000. Since that time the parties have met and conferred regarding the issues raised by the Orders to Show Cause.

4. The Orders to Show Cause basically alleged that Western Telecom was conducting telecommunications business in the State of South Dakota without having first received a Certificate of Authority to so do from the Commission and that fourteen (14) complaints had been filed against Western Telecom alleging unauthorized listing of products or services on a subscriber's bill without the subscriber's permission.

5. In the spring of 2000, Western Telecom ceased doing business entirely within the State of South Dakota and presently does not conduct any telecommunication business of any type in this State.

6. All fourteen of the consumer complaints lodged against Western Telecom have now been settled directly with the consumers involved.

7. It is expressly agreed and understood that Western Telecom does not admit to any violation of State or Federal law, rule or regulation, wrongdoing, or liability of any kind on its part or the part of any of Western Telecom's officers, directors, agents, employees, representatives, independent contractors, marketers, or assigns, nor does this Agreement constitute any finding of any such violations, wrongdoing or liability of any kind on its part or the part of any Western Telecom's officers, directors, agents, employees, representatives, independent contractors, marketers or assigns. Indeed Western Telecom expressly denies such wrongdoing.

FINAL SETTLEMENT

8. Western Telecom shall make a voluntary payment in satisfaction of SDCL §49-30-94 to the State of South Dakota in the sum of Five Thousand Dollars (\$5000.00), and pay costs pursuant to

SDCL §49-31-96 to the South Dakota Public Utilities Commission of a sum of One Thousand Five Hundred Dollars (\$1500.00), to reimburse the Commission for its costs of those proceedings specified in Docket TC99-107. These payments shall be in lieu of any other fines, penalties or actions as might be authorized or imposed under SDCL §49-31-38, §49-31-38.1, §49-31-93, §49-31-94, §49-31-95 and §49-31-96, or any other statutes or rules under which the South Dakota Public Utilities Commission is acting. The parties hereto further agree that such payment is fair and reasonable, in the best interests of all parties involved, and an appropriate resolution of TC99-107.

9. The criteria addressed by SDCL §49-31-94 show as follows:

A. Size of the Company: Western Telecom has total stockholders equity of \$1,473,790.30. (This is from Western Telecom Summary Balance Sheet as of April 30, 2000. The Summary Balance Sheet shows TradeEx International, Inc., as the company name, however, Western Telecom does business as TradeEx International, Inc. This Summary Balance sheet is attached to this document as Exhibit 1)

B. Alleged prior offenses, compliance history: See attached list of complainants and the disposition of the complainants which is attached to this document as Exhibit 2.

C. Good faith in attempting to achieve compliance: As previously stated, Western Telecom no longer conducts any business whatsoever in the State of South Dakota and has in good faith settled with each one of the complainants listed on Exhibit 2.

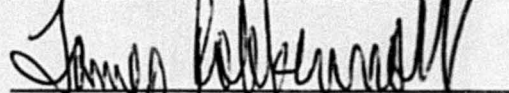
10. It is understood and agreed that this Agreement addresses the cases specifically cited in the Orders to Show Cause in this docket, and any other cases filed against Western Telecom prior to the date this agreement becomes effective. All of the cases cited by the Orders to Show Cause have been settled with the complainants. It is understood and agreed that this Agreement is intended to effectuate a full and final settlement between the

Public Utilities Commission and Western Telecom as to the matters specifically cited in the Orders to Show Cause and subsequent pleadings in this docket and for any similar fines, costs and statutory penalties that could arise concerning any other complaints concerning similar matters or claims or complaints of improper practices of any kind received by the Commission on or before the effective date of this Agreement.

11. The undersigned Staff of the South Dakota Public Utilities Commission agrees to advise the PUC of this resolution, and request the Commission to enter an Order dismissing with prejudice the Orders to Show Cause filed herein by the Commission, and Staff also agrees not to bring any other motion or request for proceedings related to the previously filed complaints itemized in prior pleadings herein, intending this to be a full, final and complete resolution thereof as between the parties hereto. If the Commission does not dismiss this action then the parties hereto agree that Western Telecom shall be given the opportunity to respond in writing prior to this matter being scheduled for determination at a Formal Hearing, and also to respond as necessary with evidence and exhibits relative thereto. Furthermore, this Agreement shall not be final and effective until it is approved and adopted by the South Dakota Public Utilities Commission, and if not so adopted, it shall be of no force and effect.

DATE: Dec 8, 2000

WESTERN TELECOM and
TOUCHTONE COMMUNICATIONS



James Robbennolt
Counsel for Western Telecom and
Touchtone Communications

STATE OF SOUTH DAKOTA
Staff of the Public Utilities
Commission

DATE:

Dec. 11, 2000

Karen E. Cremer
Karen Cremer
Attorney for the Commission

05/10/00

Tradex International, Inc.
Summary Balance Sheet
As of April 30, 2000

EX 1

Apr 30, '00

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Checking/Savings -1,720.96

Accounts Receivable 3034294.23

Other Current Assets 1372690.68

Total Current Assets 4405263.95**Fixed Assets 75,789.79****Other Assets 6,107.75****TOTAL ASSETS 4487161.49****LIABILITIES & EQUITY****Liabilities****Current Liabilities**

Accounts Payable 685,960.81

Other Current Liabiliti... 2192410.38

Total Current Liabilities 2878371.19**Long Term Liabilities 135,000.00****Total Liabilities 3013371.19****Equity 1473790.30****TOTAL LIABILITIES & EQUI... 4487161.49**

\$250.00 Ed Blood
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\$250.00 Marvin Harnisch
\$250.00 Jory White Bull

EX2