



Gary Hanson, Chair
Steve Kolbeck, Vice Chair
Dustin Johnson, Commissioner

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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August 8, 2008

Patricia Van Gerpen
SD Public Utilities Commission
500 E. Capitol Ave
Pierre, SD 57501

VIA ELECTRONIC FILING ONLY

Re: TC07-107

Dear Ms. Van Gerpen:

Enclosed for filing please find the Consent Order entered into by all parties to the above referenced docket. The Order reflects the agreement among parties to resolve all outstanding issues and to close the docket. Staff, on behalf of all parties to the Order requests Commission approval and entry of the Consent Order.

Thank you,

Kara Semmler

cc. Dave Gerdes, Meredith Moore

EXHIBIT A

to the six formal complaints in the context of this Show Cause docket and resulting Consent Order;

One of the twenty-one consumer contacts has gone out of business, cannot be reached and is not part of this settlement;

Fourteen of the twenty-one consumer contacts remain part of this Show Cause docket;

Reduced Rate is aware of and understands the nature of the fourteen complaints informally filed with the Commission and has been informed that it has the right to counsel, notice, hearing and appeal and that by agreeing to sign this Consent Order, waives these rights;

Pursuant to SDCL 49-31-94 the Commission may impose penalties up to \$20,000 per complaint if in fact slamming or cramming occurred. In lieu of such a determination and possible commission penalty, however, and in the spirit of resolution, Commission Staff requested a monetary fine be paid directly to the fourteen informal consumer complaints;

Without admitting any liability or wrongdoing, Reduced Rate, in the interests of resolving this matter without further time, expense, and litigation, agrees to pay Two Hundred Dollars (\$200) directly to each of the fourteen informal complainants in lieu of contesting the matter formally and further agrees to conduct itself in accordance with the telecommunications laws and regulations of the State of South Dakota;

Additionally, Reduced Rate agrees to completely reimburse all fourteen informal complainants and affirmatively states that it ceased any and all collection efforts on those outstanding and unpaid billing statements sent to the informal complainants. By the execution of this Consent Order and the payment of Two Hundred Dollars (\$200) per informal complainant, reimbursement and correction of any collection action and pursuant to this Consent Order, Reduced Rate waives its right to contest the allegations contained in this Consent Order;

Future violations, if found by Order of this Commission to be slamming or cramming violations after appropriate notice and exercise of all due process rights afforded to Reduced Rate under the laws and administrative rules of the State of South Dakota, are subject to the penalty contained in SDCL 49-31-94;


In return for Reduced Rate agreeing to and complying with the provisions of this Consent Order, the South Dakota Public Utilities Commission agrees not to proceed to administrative hearing and agrees that this Consent Order will constitute the final disposition of Commission Staff's Show Cause action in response to the fourteen informal complaints; and

Wherefore, good cause appearing from the foregoing, it is hereby ORDERED that Reduced Rate pay a monetary penalty in the amount of Two Hundred Dollars (\$200) payable to the consumers listed on the attached Exhibit A.

The payment shall be sent to the South Dakota Public Utilities Commission for proper documentation, payment due in full within thirty (30) days from the date the South Dakota Public Utilities Commission signs this Order, and that Reduced Rate abide by the agreement made by it in this Consent Order; and it is

FURTHER ORDERED, that the provisions of this Consent Order shall be effective from the date the South Dakota Public Utilities Commission signs this Order.

Dated at Pierre, South Dakota, this 6th day of ~~July~~^{August}, 2008.


Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission

Dated at S-TH this August day of ~~July~~, 2008



for Midcontinent Communications
3901 N. Louise Ave
Sioux Falls, SD 57106

I have read and understand the terms of this Consent Order and the waiver of my due process rights and voluntarily enter into this Consent Order.

Dated this 4th day of August, 2008


Meredith A. Moore
Local Council for Reduced Rate