

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER CANCELLING
BY LYNNETTE BRAUN, RAPID CITY, SOUTH)	HEARING
DAKOTA, AGAINST NATIONAL BILLING)	
EXCHANGE SPECIAL SERVICES REGARDING)	CT99-010
UNAUTHORIZED SWITCHING OF SERVICES)	

On July 19, 1999, the Public Utilities Commission (Commission) received a complaint filed by Lynnette Braun, Rapid City, South Dakota (Complainant), against National Billing Exchange Special Services (National Exchange). The Complainant alleged unauthorized switching of services and that in January, National Exchange billed her for \$39.95 for these unauthorized services. Complainant requests that National Exchange be held responsible for its actions.

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, at a duly noticed meeting, the Commission considered this matter and voted that probable cause of an unlawful or unreasonable act, rate, practice or omission was committed by National Exchange and ordered that the complaint be forwarded to National Exchange and National Exchange 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 1:00 o'clock P.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 was informed that the parties are working on 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:

Melaine Kaebo

Date:

10/12/99

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg

JAMES A. BURG, Chairman

Pam Nelson

PAM NELSON, Commissioner

Laska Schdenfelder

LASKA SCHDENFELDER, Commissioner