

**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 )
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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 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 6<sup>th</sup> day of August, 1999.

<p><b>CERTIFICATE OF SERVICE</b></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>    Allaine Kalbo    </u></p> <p>Date: <u>    8/6/99    </u></p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

James A. Burg  
 JAMES A. BURG, Chairman

Pam Nelson  
 PAM NELSON, Commissioner

Laska Schoenfelder  
 LASKA SCHOENFELDER, Commissioner