

**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: *Delaine Kalko*

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