

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

IN THE MATTER OF THE COMPLAINT FILED ) BY MARIA R. BAUS, VOLIN, SOUTH DAKOTA, ) AGAINST EXCEL TELECOMMUNICATIONS, ) INC. REGARDING UNAUTHORIZED ) SWITCHING OF SERVICES )	)	ORDER CANCELLING HEARING  CT99-029
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On August 9, 1999, the Public Utilities Commission (Commission) received a complaint filed by Maria R. Baus, Volin, South Dakota (Complainant), against Excel Telecommunications, Inc. (Excel). The Complainant alleged that Excel billed her for services after WorldCom had been authorized as the chosen carrier. Complainant is seeking a credit of charges and penalties.

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 September 8, 1999, at a duly noticed meeting, the Commission considered this matter and determined that there was probable cause that an unlawful or unreasonable act, rate, practice or omission was committed by Excel.

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 49-31-97, inclusive, and ARSD Chapter 20:10:34.

By order dated November 2, 1999, a hearing was scheduled for December 2, 1999, beginning at 9:00 o'clock A.M., at the Oaks Hotel & Convention Center, 3300 W. Russell in the North Dakota Room, Sioux Falls, South Dakota. On November 29, 1999, Commission Staff was informed by Complainant that settlement had been reached in this matter and she wished to have her complaint dismissed, so therefore the hearing is cancelled. It is therefore

ORDERED, that the hearing scheduled for December 2, 1999, is cancelled.

Dated at Pierre, South Dakota, this 30<sup>th</sup> day of November, 1999.

<b>CERTIFICATE OF SERVICE</b>
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>    Allaine Kelbo    </u>
Date: <u>    11/30/99    </u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

<u>James A. Burg</u> JAMES A. BURG, Chairman
<u>Pam Nelson</u> PAM NELSON, Commissioner
<u>Laska Schoenfelder</u> LASKA SCHOENFELDER, Commissioner