

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FINDING
BY MARIA R. BAUS, VOLIN, SOUTH DAKOTA,)	PROBABLE CAUSE AND
AGAINST EXCEL TELECOMMUNICATIONS,)	NOTICE REQUIRING
INC. REGARDING UNAUTHORIZED)	ANSWER
SWITCHING OF SERVICES)	CT99-029

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 49-31-96, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive. 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 the complaint shall be forwarded to Excel and Excel shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 14th day of September, 1999.

<p>CERTIFICATE OF SERVICE</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><i>Neiline Kaebo</i></u></p> <p>Date: <u>9/14/99</u></p> <p align="center">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

James A. Burg
 JAMES A. BURG, Chairman

Pam Nelson
 PAM NELSON, Commissioner

Laska Schoenfelder
 LASKA SCHOENFELDER, Commissioner