

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER CANCELLING
BY DONALD COOK, HURON, SOUTH)	HEARING; ORDER
DAKOTA, AGAINST BUDGET CALL LONG)	AMENDING CAPTION
DISTANCE, INC. REGARDING)	
UNAUTHORIZED BILLING FOR SERVICES)	CT99-041
AND NOR COMMUNICATIONS, INC.)	
REGARDING UNAUTHORIZED SWITCHING OF)	
SERVICES)	

On September 28, 1999, the Public Utilities Commission (Commission) received a complaint filed by Donald Cook, Huron, South Dakota (Complainant), against Budget Call Long Distance, Inc. (Budget), regarding alleged unauthorized charges on his long distance bill. Complainant requests that the unauthorized charges be removed from his bill and that he be awarded \$1000 as provided by law.

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 October 7, 1999, at a duly noticed meeting, Mr. Cook explained his complaint against Budget. Budget's representatives explained the company's position in this matter. The Commission voted unanimously to find probable cause.

By order dated November 2, 1999, a hearing was scheduled for December 9, 1999, in Redfield, South Dakota. Budget filed its answer on November 8, 1999, requesting dismissal of the complaint and a continuance of this matter. On November 12, 1999, an Order Cancelling Hearing was filed.

On December 1, 1999, the Commission received a letter from Mr. Cook requesting that his complaint be amended to include NOR Communications. At its regularly scheduled December 14, 1999, meeting the Commission voted to grant the Complainant's request to amend the complaint and add NOR Communications as a respondent.

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, 49-31-7.3, 49-31-7.4, 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 Chapters 20:10:01 and 20:10:34.

By order dated December 29, 1999, a hearing was scheduled for January 19, 2000, beginning at 1:30 o'clock P.M., in Room 468, in the State Capitol, 500 E. Capitol, Pierre,

South Dakota. On January 18, 2000, Commission Staff was contacted by Complainant who informed the Staff that settlement had been reached with both Budget and NOR and he wished to have his complaint dismissed, so therefore the hearing is cancelled.

On January 10, 2000, the Commission received a Motion by Budget for Amendment of Caption of Proceeding. At its January 18, 2000, meeting, the Commission granted the motion and amended the caption regarding Budget to refer to the unauthorized billing of services instead of the unauthorized switching of services.

It is therefore

ORDERED, that the hearing scheduled for January 19, 2000, is cancelled; and it is

FURTHER ORDERED, that the caption is amended as explained above.

Dated at Pierre, South Dakota, this 20th day of January, 2000.

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:	<u><i>Allaine Kaebs</i></u>
Date:	<u>1/20/00</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner