

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>		<b>ORDER CANCELLING</b>
<b>BY SHIRLEY J. NOBLE, RAPID CITY, SOUTH )</b>		<b>HEARING</b>
<b>DAKOTA, AGAINST PREFERRED BILLING )</b>		
<b>REGARDING UNAUTHORIZED BILLING FOR )</b>		<b>CT99-046</b>
<b>SERVICES )</b>		

On October 19, 1999, the Public Utilities Commission (Commission) received a complaint filed by Shirley J. Noble, Rapid City, South Dakota (Complainant), against Preferred Billing. The Complainant alleged that her long distance provider was switched without her authorization. Complainant requests the Commission to levy the statutory amount of \$1,000 for unauthorized switching of her long distance carrier.

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 November 1, 1999, at a duly noticed meeting, the Commission considered this matter. Complainant appeared via teleconference and explained her case. Commission staff recommended a finding of probable cause. The Commission voted unanimously to find probable cause.

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 27, 1999, a hearing was scheduled for January 26, 2000, beginning at 1:30 o'clock P.M., CST, in Room 468 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. On January 19, 2000, Commission Staff talked with Complainant who informed the Staff 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 January 26, 2000, is cancelled.

Dated at Pierre, South Dakota, this 24th day of January, 2000.

<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>Alaine Koeko</u>
Date:	<u>1/24/00</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