

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

IN THE MATTER OF THE COMPLAINT FILED)
BY MARILYN L. TAYLOR, FORT PIERRE,)
SOUTH DAKOTA, AGAINST AT&T)
COMMUNICATIONS OF THE MIDWEST, INC.)
REGARDING BILLING ISSUES)

ORDER FINDING
PROBABLE CAUSE AND
NOTICE REQUIRING
ANSWER
CT99-047

On October 21, 1999, the Public Utilities Commission (Commission) received a complaint filed by Marilyn L. Taylor, Fort Pierre, South Dakota (Complainant), against AT&T Communications of the Midwest, Inc. (AT&T) regarding billing issues. Complainant alleges that in obtaining instate long distance service from AT&T, it was represented to her that no access code was needed. Based upon this advice her instate calls were billed at a higher U S WEST rate. Further, Complainant did not receive 180 free minutes of calling which she was promised as a part of AT&T's promotion. Complainant is requesting adjustments to her billing and credits necessary to comply with the rate to which she subscribed.

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 personally appeared and AT&T appeared via teleconference. Commission Staff recommended a finding of 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 20:10:01:07.01 through 20:10:15:01, inclusive, and ARSD Chapter 20:10:34. 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 that the complaint shall be forwarded to AT&T and AT&T shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 4th day of November, 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: <u><i>Alaine Kalks</i></u>
Date: <u>11/5/99</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