

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

IN THE MATTER OF THE COMPLAINT FILED ) BY BILL AND BEV GALLAGHER, STEPHAN, ) SOUTH DAKOTA, AGAINST EXCEL ) TELECOMMUNICATIONS, INC. REGARDING ) UNAUTHORIZED SWITCHING OF SERVICES ) AND DOUBLE BILLING )	ORDER CANCELLING HEARING  CT00-106
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On October 16, 2000, the Public Utilities Commission (Commission) received a complaint filed by Bill and Bev Gallagher, Stephan, South Dakota (Complainants), against Excel Telecommunications, Inc. (Excel) regarding unauthorized switching of services and double billing.

On October 16, 2000, the complaint was faxed to Excel. Pursuant to ARSD 20:10:01:09, Excel was notified that it must satisfy the complaint or file an answer in writing with the Commission by November 6, 2000. The Commission has not received an answer from Excel to this complaint.

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 November 8, 2000, a hearing was scheduled for November 29, 2000, beginning at 9:00 A.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. Commission Staff has now been informed that settlement has been reached in this matter, so therefore the hearing is cancelled. It is therefore

ORDERED, that the hearing scheduled for November 29, 2000, is cancelled.

Dated at Pierre, South Dakota, this 14th day of November, 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><i>Delaine Kaelbs</i></u>
Date: <u>11/14/00</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

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