

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

IN THE MATTER OF THE COMPLAINT FILED) BY MARVIE TSCHETTER ON BEHALF OF) BASEC.NET, HURON, SOUTH DAKOTA,) AGAINST FIRSHEL, INC. REGARDING A) BILLING DISPUTE AND THE DELAYED) RELEASE OF SERVICE)	ORDER CANCELLING HEARING CT00-043
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On February 29, 2000, the Public Utilities Commission (Commission) received a complaint filed by Marvie Tschetter on behalf of Basec.Net, Huron, South Dakota (Complainant), against FirsTel, Inc. (FirsTel) regarding a billing dispute and the delayed release of service.

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 March 14, 2000, at a duly noticed meeting, Commission Staff recommended a finding of probable cause due to unresolved factual issues. 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 October 6, 2000, a hearing was scheduled for December 13, 2000, at 1:00 P.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. At the Commission's regularly scheduled meeting of November 2, 2000, Qwest Corporation (Qwest) was added as a party to this complaint. Qwest then asked that the hearing be rescheduled to permit it to conduct discovery, so therefore the hearing is cancelled. It is therefore

ORDERED, that the hearing scheduled for December 13, 2000, is cancelled and a new hearing shall be set at a later time.

Dated at Pierre, South Dakota, this 8th day of November, 2000.

CERTIFICATE OF SERVICE	
<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>	
By:	<u>Alaine Kolbo</u>
Date:	<u>11/8/00</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