

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

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| IN THE MATTER OF THE COMPLAINT FILED) | ORDER CANCELLING |
| BY TERRY AND REGINA VAN DYKE, SIOUX) | HEARING, DISMISSING |
| FALLS, SOUTH DAKOTA, AGAINST TELCO) | COMPLAINT AND CLOSING |
| LONG DISTANCE WHOLESALE REGARDING) | DOCKET |
| A DISPUTE OVER RAISING LONG DISTANCE) | |
| TELEPHONE RATES WITHOUT NOTICE) | CT00-093 |

On August 1, 2000, the Public Utilities Commission (Commission) received a complaint filed by Terry and Regina Van Dyke, Sioux Falls, South Dakota (Complainants), against Telco Long Distance Wholesale (Telco) regarding a dispute over raising long distance telephone rates without notice.

On August 1, 2000, the complaint was faxed to Telco. Pursuant to ARSD 20:10:01:09, Telco was notified that it must satisfy the complaint or file an answer in writing with the Commission by August 21, 2000. The Commission has not received an answer from Telco 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 August 23, 2000, a hearing was scheduled for September 20, 2000, in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. Commission Staff was contacted by Complainants who informed the Staff that settlement had been reached in this matter and they wished to have their complaint dismissed, so therefore the hearing is cancelled.

On September 13, 2000, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted to dismiss the complaint and close the docket. It is therefore

ORDERED, that the hearing scheduled for September 20, 2000, is cancelled and this complaint shall be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 19th day of September, 2000.

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| 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>Rebecca Kelber</u> |
| Date: <u>9/20/00</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