

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER CANCELLING
BY ELIZABETH A. EWALD, WATERTOWN,)	HEARING
SOUTH DAKOTA, AGAINST OLS, INC.)	
REGARDING SWITCHING OF SERVICES)	CT00-009
THROUGH DECEPTIVE PRACTICES)	

On January 3, 2000, the Public Utilities Commission (Commission) received a complaint filed by Elizabeth A. Ewald, Watertown, South Dakota (Complainant), against OLS, Inc. (OLS) regarding switching of services through deceptive practices. Complainant requests that fines and penalties be assessed against OLS for this action.

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 February 2, 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 March 14, 2000, a hearing was scheduled for May 3, 2000, in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota, immediately following the hearings for Dockets CT00-013, CT00-018 and CT00-011. Docket CT00-013 is scheduled to begin at 1:00 o'clock P.M. On April 20, 2000, Commission Staff was contacted by 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 May 3, 2000, is cancelled.

Dated at Pierre, South Dakota, this 26th day of April, 2000.

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>Helaine Kalbo</u>
Date:	<u>4/26/00</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

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