

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

| | | |
|---|----------|------------------------------|
| IN THE MATTER OF THE COMPLAINT FILED |) | ORDER DISMISSING |
| BY DEAN ELECTRIC INC. DBA: DYKSTRA |) | COMPLAINT AND CLOSING |
| ELECTRIC, YANKTON, SOUTH DAKOTA, |) | DOCKET |
| AGAINST NETWORK SERVICES REGARDING |) | |
| UNAUTHORIZED SWITCHING OF 800 |) | CT00-069 |
| SERVICES AND CONTINUED BILLING FOR |) | |
| UNAUTHORIZED SERVICES |) | |

On May 1, 2000, the Public Utilities Commission (Commission) received a complaint filed by Dean Electric Inc. dba: Dykstra Electric, Yankton, South Dakota (Complainant), against Network Services (Network Services) regarding unauthorized switching of 800 services and continued billing for unauthorized services. The Complainant alleges that the first receipt for charges from Network Services appeared on an invoice dated July 19, 1999, and when contacted, Network Services informed Dean Electric, Inc. that the carrier for the 800 number remained AT&T and Network Services was only processing the billing for AT&T. In December 1999, upon contacting AT&T to inquire about a calling plan, Dean Electric, Inc. was informed that AT&T was not providing services to the 800 number. At this time Dean Electric, Inc. realized that Network Services had performed an unauthorized switch of 800 services and immediately contacted AT&T to transfer its services back. Dean Electric, Inc. has continued to receive monthly charges from Network Services, despite many requests to cancel the services. The Complainant requests that the Dean Electric, Inc. account with Network Services be closed; that its services be switched to AT&T at no additional cost; and that Dean Electric, Inc. receive a full refund of all Network Services charges. A hearing in this matter was scheduled for May 30, 2000. By order dated May 25, 2000, the hearing was cancelled.

On May 25, 2000, the Commission Staff received word from the Complainant stating that the complaint against Network Services had been resolved.

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.

On June 20, 2000, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted unanimously to dismiss the complaint and close the docket. It is therefore

ORDERED, that the complaint shall be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 28th day of June, 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: Delaine Kelbo

Date: 6/29/00

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner