

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

IN THE MATTER OF THE COMPLAINT FILED) BY JAMES ABOUREZK, SIOUX FALLS,) SOUTH DAKOTA, AGAINST DIRECT ONE) COM.LONG DISTANCE REGARDING) UNAUTHORIZED TELECOMMUNICATIONS) PRODUCTS AND SERVICES AND) UNAUTHORIZED CHARGES)	ORDER CANCELLING HEARING CT01-016
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On April 30, 2001, the Public Utilities Commission (Commission) received a complaint filed by James Abourezk, Sioux Falls, South Dakota (Complainant), against Direct One Com.Long Distance (Direct One) regarding unauthorized telecommunications products and services and unauthorized charges.

On April 30, 2001, the complaint was faxed to Direct One. Pursuant to ARSD 20:10:01:09, Direct One was notified that it must satisfy the complaint or file an answer in writing with the Commission by May 21, 2001. Direct One contacted Commission Staff requesting an extension of time to file its answer until June 4, 2001, which Commission Staff granted.

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 July 19, 2001, a hearing was scheduled for September 5, 2001, beginning at 8:30 A.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. On August 3, 2001, the Commission received an answer from Direct One. On August 9, 2001, the Commission received Direct One's Interrogatories, Requests for Admission and Requests for Production to James Abourezk. On August 29, 2001, the Commission received Direct One's Motion to Continue Hearing and to Compel Discovery. The Complainant did not object to the continuance, so therefore the hearing is cancelled. It is therefore

ORDERED, that the hearing scheduled for September 5, 2001, is cancelled and a new hearing shall be set at a later time.

Dated at Pierre, South Dakota, this 31st day of August, 2001.

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>Melaine Kalbo</u>
Date:	<u>8/31/01</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

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