

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

IN THE MATTER OF THE COMPLAINT FILED) BY HOLZWARTH SALES & SERVICE, INC.,) GETTYSBURG, SOUTH DAKOTA, AGAINST) EXCEL TELECOMMUNICATIONS, INC.) REGARDING UNAUTHORIZED BILLING FOR) SERVICES)	ORDER DISMISSING COMPLAINT AND CLOSING DOCKET CT01-034
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On July 30, 2001, the Public Utilities Commission (Commission) received a complaint filed by Holzwarth Sales & Service, Inc., Gettysburg, South Dakota (Complainant), against Excel Telecommunications, Inc. (Excel) regarding unauthorized billing for services.

On August 7, 2001, the complaint was faxed to Excel. Pursuant to ARSD 20:10:01:09, Excel was notified that it must satisfy the complaint or file an answer in writing with the Commission by August 27, 2001. On August 30, 2001, the Commission received a letter response from Excel. Commission Staff was informed that settlement had been reached in this matter.

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 October 10, 2001, 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 complaint shall be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 18th day of October, 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><i>William Kelbo</i></u>
Date: <u>10/19/01</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner