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

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| IN THE MATTER OF THE COMPLAINT FILED BY GERALD LARSON, BERESFORD, SOUTH DAKOTA, AGAINST BERESFORD MUNICIPAL TELEPHONE COMPANY, AT&T COMMUNICATIONS OF THE MIDWEST, INC. AND T-NETIX TELECOMMUNICATIONS SERVICES, INC. REGARDING UNAUTHORIZED COLLECT CALL CHARGES | ) | ORDER GRANTING AT&T'S MOTION TO DISMISS; ORDER DENYING BERESFORD'S MOTION TO DISMISS<br><br>CT01-037 |

On August 6, 2001, the Public Utilities Commission (Commission) received a complaint filed by Gerald Larson, Beresford, South Dakota (Complainant), against Beresford Municipal Telephone Company (Beresford), AT&T Communications of the Midwest, Inc. (AT&T) and T-NETIX Telecommunications Services, Inc. (T-NETIX) regarding unauthorized collect call charges.

On August 7, 2001, the complaint was faxed to Beresford, AT&T and T-NETIX. Pursuant to ARSD 20:10:01:09, Beresford, AT&T and T-NETIX were notified that they must satisfy the complaint or file answers in writing with the Commission by August 27, 2001. On August 14, 2001, AT&T filed a Motion to Dismiss AT&T as a Party to this Proceeding. On August 27, 2001, Beresford filed an Answer and Motion to Dismiss of Beresford Municipal Telephone Company. The Commission has not received answers from AT&T or T-NETIX to this complaint.

On September 7, 2001, at a duly noticed meeting, Commission Staff recommended that the Commission grant AT&T's Motion to Dismiss and deny Beresford's Motion to Dismiss.

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 September 7, 2001, at a regularly scheduled meeting, the Commission considered this matter. The Commission voted to grant AT&T's Motion to Dismiss and deny Beresford's Motion to Dismiss. It is therefore

ORDERED, that AT&T's Motion to Dismiss is granted and Beresford's Motion to Dismiss is denied.

Dated at Pierre, South Dakota, this 14th day of September, 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: Delaine Kolbo

Date: 9/14/01

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg

JAMES A. BURG, Chairman

Pam Nelson

PAM NELSON, Commissioner