

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER REOPENING</b>
<b>BY GAYLE G. FOUNTAIN, FLANDREAU, )</b>	<b>RECORD</b>
<b>SOUTH DAKOTA, AGAINST DIRECT ONE )</b>	
<b>COM.LONG DISTANCE REGARDING )</b>	<b>CT01-029</b>
<b>UNAUTHORIZED BILLING FOR SERVICES )</b>	

On July 12, 2001, the Public Utilities Commission (Commission) received a complaint filed by Gayle G. Fountain, Flandreau, South Dakota (Complainant), against Direct One Com.Long Distance (Direct One) regarding unauthorized billing for services.

On July 12, 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 August 1, 2001. By order dated September 12, 2001, a hearing in this matter was scheduled for October 10, 2001. On October 3, 2001, the Commission received an answer and motion for continuance from Direct One. The hearing was held as scheduled. On November 8, 2001, the Commission received a motion to reopen record from Commission Staff. Staff requested the record be reopened for the purpose of receiving into evidence documentation of Complainant's costs for travel, food, lost wages and any other costs associated with appearing at the hearing. On November 26, 2001, the Commission received Direct One's stipulation to reopen the record. Direct One stated in its stipulation ". . . that the Motion to Reopen the Record for the stated purposes may be granted without further notice or hearing."

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 November 27, 2001, at a regularly scheduled meeting, the Commission considered the motion. The Commission voted to grant the motion to reopen record to receive into evidence documentation of Complainant's costs for travel, food, lost wages and any other costs associated with appearing at the hearing. It is therefore

ORDERED, that the Commission grants the motion to reopen record to receive into evidence documentation of Complainant's costs for travel, food, lost wages and any other costs associated with appearing at the hearing.

Dated at Pierre, South Dakota, this 5<sup>th</sup> day of December, 2001.

<b>CERTIFICATE OF SERVICE</b>
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>Delaine Kalko</i></u>
Date: <u>12/6/01</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

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