

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

IN THE MATTER OF THE COMPLAINT FILED )	ORDER DISMISSING
BY DON HERTZ, CUSTER, SOUTH DAKOTA, )	COMPLAINT AND CLOSING
AGAINST AT&T COMMUNICATIONS OF THE )	DOCKET
MIDWEST, INC. REGARDING LONG )	
DISTANCE TELEPHONE RATES )	TC98-080

On April 23, 1998, the Public Utilities Commission (Commission) received a complaint from Don Hertz, Custer, South Dakota, against AT&T Communications of the Midwest, Inc. (AT&T) regarding long distance telephone rates. According to the complaint, in December 1997, AT&T offered Mr. Hertz a per minute rate of 10 cents and a \$50.00 check if he would switch back to AT&T. Mr. Hertz states that he told AT&T that he had an office in his home called "Great West Land Co." The January bill from AT&T was not at 10 cents per minute but the calls were rated at 35 cents to 37 cents per minute. When Mr. Hertz complained to AT&T, he was told to contact the "Resolution Office." Mr. Hertz has never heard from the Resolution Office. The February billing from AT&T also reflected a rate of 37 cents per minute. Mr. Hertz switched to another carrier. Mr. Hertz requests that the Commission "require AT&T to charge me the 10 cents a minute that they told me I would be paying if I switched back to AT&T."

On May 12, 1998, at its regularly scheduled meeting, the Commission considered this matter. Mr. Hertz explained the complaint. He further stated that he had paid AT&T at a rate of 10 cents per minute, leaving the remainder of the charges in dispute. Aurora Rubalacava, a representative of AT&T, explained the company's position. According to AT&T, Mr. Hertz was not permitted the 10 cents per minute rate as his phone service was for a business line. Ms. Rubalacava stated that when AT&T discovered that Mr. Hertz's phone line was not a residential line, which would have been eligible for a 10 cents per minute rate, that they did not notify him of this but just assessed him the business rate.

The Commission has jurisdiction over this matter pursuant to SDCL 49-13-1, 49-13-4, 49-31-7, 49-31-7.1. The Commission unanimously voted to have AT&T write off the amount owed by Mr. Hertz and close the docket. On May 28, 1998, at its regularly scheduled meeting, the Commission again considered this matter to clarify as to whether or not AT&T wished to have a hearing regarding this matter. Loren Hiatt, a representative of AT&T, reported that AT&T did not wish to have a hearing. It is therefore

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

Dated at Pierre, South Dakota, this 11<sup>th</sup> day of June, 1998.

<p><b>CERTIFICATE OF SERVICE</b></p> <p>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.</p> <p>By: <u><i>Alaine Kolbo</i></u></p> <p>Date: <u>6/12/98</u></p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

*James A. Burg*  
 JAMES A. BURG, Chairman

*Pam Nelson*  
 PAM NELSON, Commissioner

*Laska Schoenfelder*  
 LASKA SCHOENFELDER, Commissioner