

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER FINDING</b>
<b>BY DON FINN ON BEHALF OF LAKE AREA )</b>	<b>PROBABLE CAUSE AND</b>
<b>HOSPITAL, WEBSTER, SOUTH DAKOTA, )</b>	<b>NOTICE REQUIRING</b>
<b>AGAINST AT&amp;T COMMUNICATIONS OF THE )</b>	<b>ANSWER</b>
<b>MIDWEST, INC. REGARDING OVERCHARGES )</b>	<b>TC98-200</b>

On November 4, 1998, the Public Utilities Commission (Commission) received a complaint by Don Finn on behalf of Lake Area Hospital, Webster, South Dakota (Complainant), against AT&T Communications of the Midwest, Inc. (AT&T), regarding overcharges. The complainant outlines a chronological history of the concerns with AT&T over the past 18 months. "We believe we were overbilled because of a 'technical' glitch and no one from AT&T would take the time to resolve the situation. Instead of assistance, we experienced lots of finger pointing and were being overcharged in the meantime. We have exhausted all of our options trying to find some sort of resolution." The complainant seeks reimbursement for the amount overcharged and compensation for the time and labor involved.

Pursuant to ARSD 20:10:01:08.01 and 20:10:01:09, if a complaint cannot be settled without formal action, the Commission shall determine if the complaint shows probable cause of an unlawful or unreasonable act, rate, practice or omission to go forward with the complaint.

On November 25, 1998, at a duly noticed meeting, the Complainant explained its complaint to the Commission. AT&T explained its actions in this matter to the Commission.

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, 49-31-11, 49-31-60 through 49-31-68, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive. The Commission voted unanimously to find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and that the complaint shall be forwarded to AT&T and AT&T shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 4<sup>th</sup> day of December, 1998.

<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 Kalbs</i></u>
Date: <u>12/8/98</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

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

*Pam Nelson*  
PAM NELSON, Commissioner

*Laska Schoenfelder*  
LASKA SCHOENFELDER, Commissioner