

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

IN THE MATTER OF THE COMPLAINT FILED) BY DON FINN ON BEHALF OF LAKE AREA) HOSPITAL, WEBSTER, SOUTH DAKOTA,) AGAINST AT&T COMMUNICATIONS OF THE) MIDWEST, INC. REGARDING OVERCHARGES)	ORDER DISMISSING COMPLAINT AND CLOSING DOCKET TC98-200
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On November 4, 1998, the Public Utilities Commission (Commission) received a complaint by Don Finn on behalf of Lake Area Hospital (Complainant), Webster, South Dakota, against AT&T Communications of the Midwest, Inc. 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 voted unanimously to find probable cause. At its regularly scheduled meeting of June 8, 1999, the Commission took notice of a letter filed by the Complainant requesting that the complaint be withdrawn. Commission Staff recommended that the complaint be dismissed and the docket closed.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-13-1, 49-13-4, 49-13-13, 49-13-14.1, 49-31-3, 49-31-7, 49-31-7.1, 49-31-11, 49-31-60 through 49-31-68, inclusive, and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission voted unanimously to dismiss the complaint and close the docket. It is therefore

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

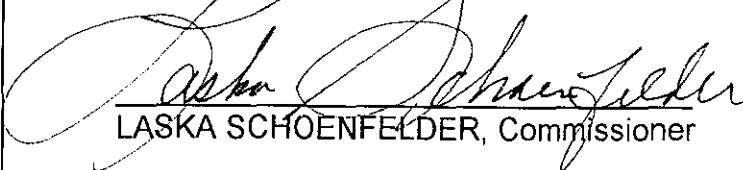
Dated at Pierre, South Dakota, this 22nd day of June, 1999.

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:	<i>Alexis Kaelbo</i>
Date:	<u>6/23/99</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:



PAM NELSON, Commissioner



LASKA SCHOENFELDER, Commissioner