

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

IN THE MATTER OF THE CONSIDERATION OF)	
THE ASSESSMENT OF FINES AND OTHER)	
PENALTIES AGAINST WESTERN TELECOM)	ORDER CANCELLING
)	HEARING AND GRANTING
)	CONTINUANCE
IN THE MATTER OF THE CONSIDERATION OF)	
THE ASSESSMENT OF FINES AND OTHER)	
PENALTIES AGAINST TOUCHTONE)	TC99-107
COMMUNICATIONS)	

At its November 15, 1999, meeting, the Public Utilities Commission (Commission) unanimously voted to issue Orders to Show Cause against Western Telecom and Touchtone Communications as to why Western Telecom and Touchtone Communications should not be assessed civil fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 or assessed civil fines of not more than \$20,000 for each alleged violation of SDCL 49-31-89 to 49-31-97, inclusive and ARSD Chapter 20:10:34 pursuant to SDCL 49-31-94. The Commission also unanimously voted to order Western Telecom and Touchtone Communications to provide the Commission with a complete list of their current South Dakota subscribers, including the subscribers' billing addresses pursuant to SDCL 49-31-95.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 49-13 and 49-31, specifically 49-13-1 to 49-13-16, inclusive, 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 to 49-31-38.3, inclusive, 49-31-89 to 49-31-97, inclusive, and ARSD Chapter 20:10:34.

The Orders to Show Cause were issued on November 22, 1999, and set the hearing for February 1, 2000, beginning at 9:00 a.m., at the Chamber of Commerce Meeting Room, 800 W. Dakota Ave., Pierre, South Dakota. On January 25, 2000, the Commission received a Motion for Continuance from Commission Staff and a Motion for Continuance and Joinder in Staff's Motion for Continuance from Western Telecom. Staff and Western Telecom both requested an indefinite continuance.

At its January 27, 2000, meeting, the Commission considered the motions. The Commission voted unanimously to grant the continuance. The Commission also requested an updated report within one month regarding the status of this case. It is therefore

ORDERED, that the motions for continuance are granted and the hearing scheduled for February 1, 2000, is cancelled; and it is

FURTHER ORDERED, that the parties shall give the Commission an updated report within one month regarding the status of this case.

Dated at Pierre, South Dakota, this 31st day of January, 2000.

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: *Allaine Kaelo*

Date: 2/1/00

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner