

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

IN THE MATTER OF OLS, INC. AND CERTAIN JOHN DOES))))	ORDER FOR AND NOTICE OF HEARING TC00-089
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On June 6, 2000, the Staff of the South Dakota Public Utilities Commission respectfully moved the South Dakota Public Utilities Commission (Commission) to assess fines and penalties as specified in SDCL 49-31-38, 49-31-38.1, 49-31-93, 49-31-94, 49-31-95 and 49-31-96 against OLS, Inc.

The grounds for this Motion were that the Commission had received numerous complaints against OLS, Inc. within the recent past. Those complaints and their present status are:

DOCKET	FILED	COMPLAINANT	CURRENT STATUS
CT99-056	11-12-99	Bertsch	settled
CT99-060	11-19-99	Hoffmann	settled
CT99-061	11-22-99	Johnson	settled
CT99-062	11-22-99	Crompton	settled
CT99-063	11-22-99	Beckler	settled
CT99-066	12-01-99	Daly	settled
CT99-067	12-02-99	Ries	settled
CT99-068	12-08-99	Binfet	settled
CT99-069	12-08-99	Curran	settled
CT99-070	12-09-99	C. Hansen	settled
CT99-073	12-07-99	Hammer	settled
CT99-074	12-10-99	Finwall	settled
CT99-075	12-13-99	J. Hansen	settled
CT99-077	12-14-99	Matteson	settled
CT99-078	12-14-99	Wilcox	settled
CT99-079	12-14-99	Bowen	settled
CT99-080	12-15-99	Enstad	settled
CT99-082	12-17-99	Beutow	settled
CT99-085	12-20-99	Wiese	settled
CT99-086	12-20-99	Bullene	settled
CT99-089	12-23-99	Erickson	settled
CT00-001	12-27-99	Moes	settled
CT00-003	12-28-99	Ingalls	settled
CT00-004	12-30-99	Stich	settled
CT00-005	12-30-99	Frost	settled
CT00-006	12-30-99	DeHoogh	settled

CT00-009	01-03-00	Ewald	settled
CT00-010	01-03-00	Fritz	settled
CT00-011	01-05-00	Schamber	settled
CT00-013	01-10-00	Becker	settled
CT00-015	01-11-00	Hinkleman	settled
CT00-016	01-11-00	Berget	settled
CT00-018	01-14-00	Howell	settled
CT00-027	01-25-00	Frederick	settled
CT00-028	01-25-00	Bendel	settled
CT00-032	02-01-00	Gertsen	settled
CT00-033	02-04-00	Hilgemann	settled
CT00-034	02-02-00	Glynn	settled
CT00-042	02-28-00	Migge	settled
CT00-045	02-22-00	Campbell	settled
CT00-046	03-02-00	Olson	settled
CT00-047	03-01-00	Stoltenburg	settled
CT00-053	03-23-00	Frye	settled
CT00-056	03-29-00	Braunstein	settled
CT00-062	04-20-00	Jensen	settled
CT00-067	04-25-00	Slagle	settled

Commission Staff stated that the above referenced complaints represented a continuing pattern of reckless disregard for South Dakota law and a disregard for the rights of South Dakota consumers. Commission Staff stated that the public interest demanded that this situation be dealt with and that this type of activity not continue or recur in South Dakota.

On June 6, 2000, the Motion was sent to OLS. On June 28, 2000, the Commission received a Response to Motion to Assess Fines and Statutory Penalties from OLS.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-16, 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.

A hearing shall be held on August 29, 2001, beginning at 9:00 A.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. All persons testifying will be subject to cross-examination by the parties.

The issue at the hearing is whether OLS committed unlawful or unreasonable acts, rates, practices or omissions and, if so, whether OLS shall be assessed fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 and/or assessed a civil fine of not more than \$20,000 for each alleged violation of SDCL 49-31-89 through 49-31-97.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission shall determine whether OLS committed unlawful or unreasonable acts, rates, practices or omissions and, if so, whether OLS shall be assessed fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 and/or assessed a civil fine of not more than \$20,000 for each alleged violation of SDCL 49-31-89 through 49-31-97. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that a hearing shall be held at the time and place specified above on the issue of whether OLS committed unlawful or unreasonable acts, rates, practices or omissions and, if so, whether OLS shall be assessed fines or other penalties pursuant to SDCL 49-31-38 through 49-31-38.3 and/or assessed a civil fine of not more than \$20,000 for each alleged violation of SDCL 49-31-89 through 49-31-97.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 7th day of August, 2001.

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:	<u>Aldine Kalbo</u>
Date:	<u>8/7/01</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

