

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

IN THE MATTER OF THE UNAUTHORIZED )	<b>AMENDED ORDER</b>
LONG DISTANCE BILLING OF CUSTOMERS )	<b>CLOSING DOCKET</b>
IN THE CITY OF DELL RAPIDS, SOUTH )	
DAKOTA CAUSED BY MSN CORPORATION )	<b>TC03-040</b>
D/B/A MSN TV F/K/A WEBTV )	

On January 24, 2003, the Public Utilities Commission (Commission) received a filing from Commission Staff requesting that the Commission issue an Order To Show Cause as to why MSN Corporation d/b/a MSN TV f/k/a WEBTV (MSN TV) should not be found in violation of South Dakota Law. According to the Motion, MSN TV, or its access partners, routed customers to a long distance number for accessing the internet in violation of an agreement that customers would always be permitted to access the internet without incurring long distance charges. The Motion alleges that the routing resulted in the initiation of unauthorized billing in violation of South Dakota law, including, but not necessarily limited to SDCL 49-13-93.

On January 30, 2003, the Commission electronically transmitted notice of the filing and the intervention deadline of February 13, 2003, to interested individuals and entities. No petitions to intervene or comments were filed. On August 19, 2003, Commission Staff informed the Commission that settlement had been reached in this matter.

~~The Commission has jurisdiction over this matter pursuant to SDCL 49-41B, specifically SDCL 49-31-3, 49-31-5 and 49-31-7.1 and ARSD 20:10:01:45.~~

The Order Closing Docket issued on August 28, 2003, is rescinded and this Order is issued in lieu thereof.

At a regularly scheduled August 19, 2003, meeting, the Commission considered this matter. The Commission voted unanimously to close the docket. It is therefore

ORDERED, that the docket shall be closed.

Dated at Pierre, South Dakota, this 3<sup>rd</sup> day of September, 2003.

<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>William Kolbo</u>
Date: <u>9/3/03</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr  
ROBERT K. SAHR, Chairman *dk*

Gary Hanson  
GARY HANSON, Commissioner

James A. Burg  
JAMES A. BURG, Commissioner