

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

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| IN THE MATTER OF NORTH SHORE) | ORDER FOR AND NOTICE |
| MARKETING'S FAILURE TO REGISTER AS) | OF SHOW CAUSE HEARING |
| A TELEMARKETER AND THE) | |
| SOLICITATIONS IT MADE TO THOSE) | TC07-013 |
| REGISTERED ON THE DO NOT CALL) | |
| REGISTRY) | |

SDCL 49-31-99 through SDCL 49-31-108 establishes the South Dakota Public Utilities Commission (Commission) Telephone Solicitation rules. Any telephone solicitor who makes unsolicited telephone calls shall institute procedures that comply with the provisions of the above statutes. Included in the various statutory obligations a telephone solicitor shall not make any unsolicited telephone call to any number listed on the statewide Do-Not-Call Register ("Registry").

On January 9, 2007, the Consumer Affairs Division ("Consumer Affairs") of the Commission received a complaint regarding a telephone solicitation made by North Shore Marketing ("North Shore"). The Complainant received a telephone solicitation from North Shore, despite his presence on the Registry. The North Shore representative called for the sole purpose of selling magazine subscriptions. Furthermore, North Shore did not register as a telemarketer with this office, nor did it pay the solicitor fee.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-7.1, 49-31-99 through 49-31-108 and ARSD Chapter 20:10:35. On March 13, 2007, the Commission first heard Staff's request that an Order to Show Cause be issued against North Shore for violations of South Dakota Do Not Call Rules. The Order to Show Cause why North Shore did not violate the South Dakota Do Not Call Rules was granted unanimously by the Commissioners.

North Shore shall appear on June 6, 2007, at 9:00 A.M. (CDT) in Room 412 at the State Capitol Building, 500 E. Capitol, Pierre, South Dakota, to Show Cause why action should not be taken against North Shore for failure to comply with SDCL Chapter 49-31. The hearing is being held pursuant to the Commission's jurisdiction over the Registry found in SDCL 49-31-99 through 49-31-108.

The issue at the hearing is whether the Commission shall impose the civil penalty available in SDCL 49-31-108; or to take any other enforcement actions against the Company allowed by law.

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 to issue civil penalties, or take any other enforcement actions against the Company allowed by law.

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 show cause hearing in the matter of North Shore shall be held on June 6, 2007, at 9:00 A.M. (CDT) in Room 412, State Capitol Building, 500 E. Capitol, Pierre, South Dakota.

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 27th day of March, 2007.

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| 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, electronically. | |
| By: | <u><i>Deldaine Kolbo</i></u> |
| Date: | <u>3/29/07</u> |
| (OFFICIAL SEAL) | |

BY ORDER OF THE COMMISSION:

Dustin Johnson
DUSTIN M. JOHNSON, Chairman

Gary Hanson
GARY HANSON, Commissioner

Steve Kolbeck
STEVE KOLBECK, Commissioner