

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED BY DARWIN WOLF, SIOUX FALLS, SOUTH DAKOTA, AGAINST MATRIX TELECOM, INC. REGARDING UNAUTHORIZED SWITCHING OF SERVICES)))))	ORDER FINDING PROBABLE CAUSE AND NOTICE REQUIRING ANSWER CT99-012
--	-----------------------	--

On July 19, 1999, the Public Utilities Commission (Commission) received a complaint filed by Darwin Wolf, Sioux Falls, South Dakota (Complainant), against Matrix Telecom, Inc. (Matrix) regarding unauthorized switching of services. Complainant alleges that in July of 1998, Matrix, his prior provider, was billing him for 800 number charges that were not his. On October 28, 1998, Matrix determined that they had erroneously billed Complainant \$764.72. As of the date of the complaint, Complainant had not received any credit from Matrix and he is seeking this amount plus interest and damages.

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 August 17, 1999, at a duly noticed meeting, the Commission considered this matter. Commission Staff recommended a finding of probable cause.

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, 49-31-89 through 49-31-96, inclusive, and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission voted unanimously to find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and that the complaint shall be forwarded to Matrix and Matrix shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this _____ day of August, 1999.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: _____</p> <p>Date: _____</p> <p style="text-align: center;">(OFFICIAL SEAL)</p>	<p>BY ORDER OF THE COMMISSION:</p> <p style="text-align: center;">_____ JAMES A. BURG, Chairman</p> <p style="text-align: center;">_____ PAM NELSON, Commissioner</p> <p style="text-align: center;">_____ LASKA SCHOENFELDER, Commissioner</p>
---	--