

Consumer Complaint Orders - Issued 1999

**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 DISMISSING COMPLAINT, CLOSING DOCKET AND CANCELLING HEARING
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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 was 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 voted to find probable cause. A hearing on this matter was scheduled to be held on December 1, 1999, in Sioux Falls, South Dakota, and an Order to that effect was issued by the Commission on November 2, 1999.

On November 8, 1999, the Commission received a letter from Complainant indicating that Matrix had satisfied the matter and that the case should be considered closed and the hearing cancelled.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1- 26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31- 3, 49-31-7, 49-31-7.1, 49-31-7.2, 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 Chapter 20:10:34.

On November 15, 1999, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted to dismiss the complaint, close the docket, and cancel the hearing. It is therefore

ORDERED, that the complaint shall be dismissed, the docket closed and the hearing in this matter shall be cancelled.

Dated at Pierre, South Dakota, this 18th day of November, 1999.

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: _____

Date: _____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

LASKA SCHOENFELDER, Commissioner

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