

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

IN THE MATTER OF THE COMPLAINT FILED ) BY NORMA JEAN JOHNSON, VERMILLION, ) SOUTH DAKOTA, AGAINST OLS, INC. ) REGARDING UNAUTHORIZED SWITCHING OF ) SERVICES )	) ) ) ) ) )	ORDER DISMISSING COMPLAINT AND CLOSING DOCKET  CT99-061
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On November 22, 1999, the Public Utilities Commission (Commission) received a complaint filed by Norma Jean Johnson, Vermillion, South Dakota (Complainant), against OLS, Inc. (OLS) regarding unauthorized switching of services from Promise Net to OLS.

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. This matter was scheduled for a probable cause determination at the Commission's regularly scheduled December 14, 1999, meeting.

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, 49-31-7.3, 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.

On December 14, 1999, at a regularly scheduled meeting, the Commission considered this matter. The Complainant had spoken to Commission Staff and requested dismissal of the complaint. The Commission voted to dismiss the complaint and close the docket. (Commissioner Schoenfelder dissenting). It is therefore

ORDERED, that the complaint shall be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 21<sup>st</sup> day of December, 1999.

<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><i>Alaine Kiebs</i></u>
Date: <u>12/23/99</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*James A. Burg*  
JAMES A. BURG, Chairman

*Pam Nelson*  
PAM NELSON, Commissioner

LASKA SCHOENFELDER, Commissioner  
dissenting