

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

IN THE MATTER OF THE COMPLAINT FILED)		ORDER CANCELLING
BY ROSELLA LEE, ARLINGTON, SOUTH)		HEARING
DAKOTA, AGAINST WESTERN TELECOM)		
REGARDING UNAUTHORIZED BILLING FOR)		CT99-034
SERVICES)		

On August 12, 1999, the Public Utilities Commission (Commission) received a complaint filed by Rosella Lee, Arlington, South Dakota (Complainant), against Western Telecom (Western), regarding alleged unauthorized charges on her long distance bill. Complainant requests that the unauthorized charges be removed from her bill.

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 25, 1999, at a duly noticed meeting, Commission Staff recommended a finding of probable cause due to unresolved factual issues. The Commission voted unanimously to find probable cause and ordered that the complaint be forwarded to Western and Western should file with the Commission its answer in writing within twenty (20) days of service of the order.

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 49-31-96, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive.

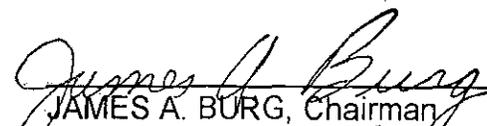
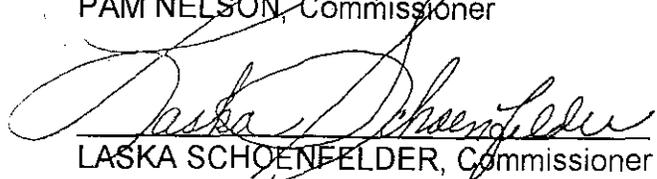
By order dated September 15, 1999, a hearing was scheduled for October 26, 1999, beginning at 1:30 o'clock P.M., in the Huron Crossroads Hotel Meeting Room, Huron, South Dakota. In a letter received October 19, 1999, the Complainant stated that her complaint has been satisfactorily resolved. It is therefore

ORDERED, that the hearing scheduled for October 26, 1999, is cancelled.

Dated at Pierre, South Dakota, this 22nd day of October, 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: <u><i>Alvin Keels</i></u>
Date: <u>10/22/99</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

 _____ JAMES A. BURG, Chairman
 _____ PAM NELSON, Commissioner
 _____ LASKA SCHOENFELDER, Commissioner