

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER GRANTING
BY JUDY M. NELSON, PIEDMONT, SOUTH)	CONTINUANCE; SECOND
DAKOTA, AGAINST U S WEST)	ORDER FOR AND NOTICE
COMMUNICATIONS, INC. REGARDING)	OF HEARING
WRONGFUL BILLINGS AND BILLING)	
PRACTICES FOR LONG DISTANCE)	CT00-072
TELEPHONE SERVICES AS A RESULT OF)	
"SLAMMING" BY VARIOUS TELEPHONE)	
COMPANIES)	

On March 27, 2000, the Public Utilities Commission (Commission) received a complaint filed by Judy M. Nelson, Piedmont, South Dakota (Complainant), against U S WEST Communications, Inc. (U S WEST) regarding wrongful billings and billing practices for long distance telephone services as a result of "slamming" by various telephone companies.

On May 12, 2000, the complaint was faxed to U S WEST. Pursuant to ARSD 20:10:01:09, the company was notified that it must satisfy the complaint or file an answer in writing with the Commission by June 1, 2000. On May 26, 2000, the Commission received an answer from U S WEST.

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, 20:10:05, 20:10:06, 20:10:07 and 20:10:34.

By order dated June 12, 2000, the Commission set the matter for hearing. On June 13, 2000, the Commission received a letter from Complainant requesting a continuance of the hearing. U S WEST did not object to the continuance. By this order, the Commission grants the continuance, cancels the hearing scheduled for July 6, 2000, and sets a new hearing date.

A hearing shall be held on August 22, 2000, beginning at 8:30 o'clock A.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. All persons testifying will be subject to cross-examination by the parties.

The issue at the hearing is whether U S WEST committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

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 U S WEST committed an unlawful or unreasonable act, rate, practice, or omission and, if so, order any appropriate relief. 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 hearing shall be held at the time and place specified above on the issue of whether U S WEST committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

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 29th day of June, 2000.

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>Helaine Kolbo</u>
Date:	<u>6/29/00</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner