

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

IN THE MATTER OF THE COMPLAINT FILED )	ORDER DISMISSING
BY GERALD AND EVELYN HOLDHUSEN, )	COMPLAINT AND CLOSING
ABERDEEN, SOUTH DAKOTA, AGAINST )	DOCKET
TALK.COM HOLDING CORP. D/B/A THE )	
PHONE COMPANY REGARDING )	CT00-110
UNAUTHORIZED SWITCHING OF SERVICES )	

On November 29, 2000, the Public Utilities Commission (Commission) received a complaint filed by Gerald and Evelyn Holdhusen, Aberdeen, South Dakota (Complainants), against Talk.com Holding Corp. d/b/a The Phone Company (Talk.com) regarding unauthorized switching of services.

On November 29, 2000, the complaint was faxed to Talk.com. Pursuant to ARSD 20:10:01:09, Talk.com was notified that it must satisfy the complaint or file an answer in writing with the Commission by December 19, 2000. The Commission has not received an answer from Talk.com to this complaint. A hearing in this matter was scheduled for January 17, 2001. By order dated January 8, 2001, the hearing was cancelled as Commission Staff received a settlement and release of this complaint on January 5, 2001.

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 January 17, 2001, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted to dismiss the complaint and close the docket. It is therefore

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

Dated at Pierre, South Dakota, this 24<sup>th</sup> day of January, 2001.

<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>    Allaine Kalbo    </u>
Date: <u>    1/24/01    </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