

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING
BY CALVIN L. PLENIS, SIOUX FALLS, SOUTH)	COMPLAINT AND CLOSING
DAKOTA, AGAINST DIRECT ONE COM.LONG)	DOCKET
DISTANCE REGARDING UNAUTHORIZED)	
BILLING FOR SERVICES)	CT01-038

On August 13, 2001, the Public Utilities Commission (Commission) received a complaint filed by Calvin L. Plenis, Sioux Falls, South Dakota (Complainant), against Direct One Com.Long Distance (Direct One) regarding unauthorized billing for services.

On August 13, 2001, the complaint was faxed to Direct One. Pursuant to ARSD 20:10:01:09, Direct One was notified that it must satisfy the complaint or file an answer in writing with the Commission by September 4, 2001. On August 24, 2001, the Commission received a letter response from Direct One. A hearing in this matter was scheduled for September 18, 2001. By order dated September 17, 2001, the hearing was cancelled as Commission Staff was informed that settlement had been reached in this matter.

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.

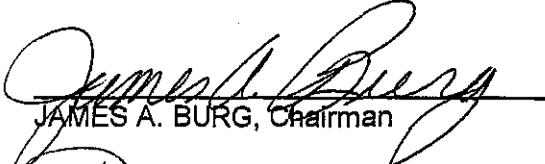
On October 10, 2001, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted to dismiss the complaint and close the docket. It is therefore

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

Dated at Pierre, South Dakota, this 19th day of October, 2001.

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>Melaine Kolbo</u>
Date: <u>10/19/01</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

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