

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

IN THE MATTER OF THE COMPLAINT FILED) BY JOAN MACK, WATERTOWN, SOUTH) DAKOTA, AGAINST TALK.COM HOLDING) CORP. D/B/A THE PHONE COMPANY) REGARDING UNAUTHORIZED BILLING FOR) SERVICES)	ORDER CANCELLING HEARING CT01-004
---	---

On January 23, 2001, the Public Utilities Commission (Commission) received a complaint filed by Joan Mack, Watertown, South Dakota (Complainant), against Talk.com Holding Corp. d/b/a The Phone Company (Talk.com) regarding unauthorized billing for services.

On February 5, 2001, 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 February 26, 2001. The Commission has not received an answer from Talk.com to this complaint.

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.

By order dated February 28, 2001, a hearing was scheduled for March 22, 2001, beginning at 8:30 A.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. Commission Staff has now been informed that settlement had been reached in this matter, so therefore the hearing is cancelled. It is therefore

ORDERED, that the hearing scheduled for March 22, 2001, is cancelled.

Dated at Pierre, South Dakota, this 22nd day of March, 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><i>Alaine Kelso</i></u>
Date: <u>3/22/01</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

<u><i>James A. Burg</i></u> JAMES A. BURG, Chairman
<u><i>Pam Nelson</i></u> PAM NELSON, Commissioner