BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED BY THELMA "SALLY" FOX, HURON, SOUTH DAKOTA, AGAINST TOUCHTONE COMMUNICATIONS REGARDING UNAUTHORIZED BILLING FOR SERVICES AND LACK OF A CERTIFICATE OF AUTHORITY	)	**ORDER CANCELLING HEARING** **CT99-009**

On July 8, 1999, the Public Utilities Commission (Commission) received a complaint filed by Thelma "Sally" Fox, Huron, South Dakota (Complainant), against Touchtone Communications (Touchtone), regarding alleged unauthorized switching of her long distance carrier. Complainant requests that the unauthorized charges be removed from her bill. Touchtone does not hold a certificate of authority to do business in South Dakota as a telecommunications company.

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 July 29, 1999, at a duly noticed meeting, Commission Staff recommended a finding of probable cause due to unresolved factual issues and the apparent failure of Touchtone to have a certificate of authority to operate as a telecommunications company. The Commission voted unanimously to find probable cause and ordered that the complaint be forwarded to Touchtone and Touchtone 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 9:30 o'clock A.M., in the Huron Crossroads Hotel Meeting Room, Huron, South Dakota. Staff has been informed by the Complainant 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	BY ORDER OF THE COMMISSION:
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:_____ Date:_____ (OFFICIAL SEAL)	_____ JAMES A. BURG, Chairman _____ PAM NELSON, Commissioner _____ LASKA SCHOENFELDER, Commissioner