

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER FOR AND NOTICE</b>
<b>BY SUN GOLD TROPHIES, MITCHELL, SOUTH )</b>	<b>OF HEARING</b>
<b>DAKOTA, AGAINST MIDCO )</b>	
<b>COMMUNICATIONS, INC. D/B/A )</b>	<b>CT99-072</b>
<b>MIDCONTINENT COMMUNICATIONS, INC. )</b>	
<b>AND MCI WORLDCOM REGARDING POOR )</b>	
<b>SERVICE )</b>	

On December 7, 1999, the Public Utilities Commission (Commission) received a complaint filed by Sun Gold Trophies, Mitchell, South Dakota (Complainant), against Midco Communications, Inc. d/b/a Midcontinent Communications, Inc. and MCI WorldCom (Midco and MCI, respectively) alleging that the company's "1-800" customers were being misdirected to numbers for sex lines. Complainant seeks relief from the Commission and asks that the "1-800" number be suspended and that damages be awarded.

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 December 28, 1999, at a duly noticed meeting, a representative of the Complainant appeared via teleconference and explained the company's case. Midco and MCI did not resist a finding of probable cause. Commission Staff recommended a finding of probable cause due to unresolved factual issues.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL chapters 1-26, 49-2, 49-13, and 49-31, specifically SDCL 49-13-1 through 49-13-14.1, inclusive, 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 49-31-97, inclusive, and ARSD Chapters 20:10:33 and 20:10:34. The Commission voted unanimously to find probable cause.

A hearing shall be held on May 10, 2000, beginning at 9:00 o'clock A.M., in Room 412, State Capitol Building, 500 E. Capitol, Pierre, South Dakota. All persons testifying will be subject to cross-examination by the parties.

The issues at the hearing are: (1) whether Midco committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate; and (2) whether MCI 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: (1) whether Midco committed an unlawful or unreasonable act, rate, practice, or omission and, if so, order any appropriate relief; and (2) whether MCI 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 issues of: (1) whether Midco committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate; and (2) whether MCI 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 7<sup>th</sup> day of April, 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 Kalbo</u>
Date:	<u>4/7/00</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