

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FINDING
BY SUN GOLD TROPHIES, MITCHELL, SOUTH)	PROBABLE CAUSE AND
DAKOTA, AGAINST MIDCO)	NOTICE REQUIRING
COMMUNICATIONS, INC. D/B/A)	ANSWER
MIDCONTINENT COMMUNICATIONS, INC.)	
AND MCI WORLDCOM REGARDING POOR)	CT99-072
SERVICE	

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 49-13-1, 49-13-4, 49-13-13, 49-13-14.1, 49-31-3, 49-31-7, 49-31-7.1, 49-31-11, 49-31-60, 49-31-61, and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission voted unanimously to find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and that the complaint shall be forwarded to Midco and MCI and Midco and MCI shall satisfy the complaint or file with the Commission their answers in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 12th day of January, 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>Alaine Krebs</u>
Date: <u>1/13/00</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairmap

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner