

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

IN THE MATTER OF THE COMPLAINT FILED)
BY SUN GOLD TROPHIES, MITCHELL, SOUTH)
DAKOTA, AGAINST MIDCO)
COMMUNICATIONS, INC. D/B/A)
MIDCONTINENT COMMUNICATIONS, INC.)
AND MCI WORLDCOM REGARDING POOR)
SERVICE)

ORDER DISMISSING
COMPLAINT AND CLOSING
DOCKET

CT99-072

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. A hearing in this matter was scheduled for May 10, 2000. By order dated May 8, 2000, the hearing was cancelled. On July 12, 2000, Commission Staff received word from the Complainant stating that the complaint against Midco and MCI had been resolved.

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 July 20, 2000, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted unanimously 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 21st day of July, 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: *Debbie Kelbo*

Date: 7/24/00

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Pam Nelson
PAM NELSON, Vice Chair

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner