

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER DISMISSING</b>
<b>BY ROLLIE JENSEN, SIOUX FALLS, SOUTH )</b>	<b>COMPLAINT AND CLOSING</b>
<b>DAKOTA, AGAINST MCLEODUSA )</b>	<b>DOCKET</b>
<b>TELECOMMUNICATIONS SERVICES, INC. )</b>	
<b>AND U S WEST COMMUNICATIONS, INC. )</b>	<b>CT00-020</b>
<b>REGARDING DELAYED INSTALLATION AND )</b>	
<b>BILLING ISSUES )</b>	

On January 18, 2000, the Public Utilities Commission (Commission) received a complaint filed by Rollie Jensen, Sioux Falls, South Dakota (Complainant), against McLeodUSA Telecommunications Services, Inc. (McLeod). The Complainant alleged that service was delayed to a new office thus affecting his phone service, computer usage and fax services. Complainant sought damages for lost income, wages, extra rent and cellular phone charges.

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 February 15, 2000, at a duly noticed meeting, the Commission considered this matter and determined that there was probable cause that an unlawful or unreasonable act, rate, practice or omission was committed by McLeod. The Complainant appeared via teleconference; McLeod appeared in the same manner and was represented by its counsel Barbara Berkenpas. Commission Staff recommended a finding of probable cause. The Commission voted unanimously to find probable cause.

On January 19, 2000, Complainant moved to amend his complaint to include U S WEST Communications, Inc. (U S WEST) as an additional defendant. On February 24, 2000, Complainant moved to further amend his complaint to address billing issues against McLeod and U S WEST. The question of whether the complaint should be amended to include U S WEST as an additional defendant and to consider billing issues against both McLeod and U S WEST was considered by the Commission at its regularly scheduled February 29, 2000, meeting. Further, if amendment was to be allowed, the issue of probable cause of U S WEST committing an unlawful or unreasonable act, rate, practice or omission was considered. Complainant appeared via teleconference. U S WEST appeared through Colleen Sevold who did not resist the amendment of the complaint or the subsequent finding of probable cause. Commission Staff recommended allowing the amendment and the finding of probable cause. The Commission voted unanimously to allow the amendment and to find probable cause.

Commission Staff received word from the Complainant stating that the complaint against the companies 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 August 22, 2000, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted 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 25<sup>th</sup> day of August, 2000.

<b>CERTIFICATE OF SERVICE</b>	
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 Kelbo</u>
Date:	<u>8/28/00</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg  
JAMES A. BURG, Chairman

Laska Schoenfelder  
LASKA SCHOENFELDER, Commissioner