

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

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| IN THE MATTER OF THE COMPLAINT FILED) | ORDER FOR AND NOTICE |
| BY THERMO BOND BUILDINGS INT'L, INC.,) | OF HEARING |
| ELK POINT, SOUTH DAKOTA, AGAINST) | |
| QWEST CORPORATION, FORMERLY KNOWN) | CT00-096 |
| AS U S WEST COMMUNICATIONS, INC., MCI) | |
| WORLDCOM AND USBI REGARDING) | |
| UNAUTHORIZED CHARGES AND) | |
| EXORBITANT RATES AFTER SWITCHING ITS) | |
| LONG DISTANCE SERVICES TO MCI) | |

On August 16, 2000, the Public Utilities Commission (Commission) received a complaint filed by Thermo Bond Buildings Int'l, Inc., Elk Point, South Dakota (Complainant), against Qwest Corporation, formerly known as U S WEST Communications, Inc. (Qwest), MCI WorldCom (MCI) and USBI (USBI) regarding unauthorized charges and exorbitant rates after switching its long distance services to MCI.

On August 18, 2000, the complaint was faxed to Qwest, MCI and USBI. Pursuant to ARSD 20:10:01:09, Qwest, MCI and USBI were notified that they must satisfy the complaint or file answers in writing with the Commission by September 7, 2000. On September 6, 2000, the Commission received an answer and motion to dismiss from USBI. On September 7, 2000, the Commission received an answer from Qwest. The Commission has not received an answer from MCI to this complaint.

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.

A hearing shall be held on October 3, 2000, beginning at 10:00 A.M., in Room 412 of the 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 Qwest committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate; (2) whether MCI committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate; and (3) whether USBI 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 Qwest committed an unlawful or unreasonable act, rate, practice, or omission and, if so, order any appropriate relief; (2) whether MCI committed an unlawful or unreasonable act, rate, practice, or omission and, if so, order any appropriate relief; and (3) whether USBI 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 Qwest committed an unlawful or unreasonable act, rate, practice, or omission and, if so, what relief would be appropriate; (2) whether MCI committed an unlawful or unreasonable act, rate, practice, or omission and, if so, what relief would be appropriate; and (3) whether USBI 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 8th day of September, 2000.

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| 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 Kelbo</u> |
| Date: | <u>9/8/00</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