

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

IN THE MATTER OF THE COMPLAINT FILED )	ORDER FINDING
BY ROLLIE JENSEN, SIOUX FALLS, SOUTH )	PROBABLE CAUSE AND
DAKOTA, AGAINST McLEODUSA )	NOTICE REQUIRING
TELECOMMUNICATIONS SERVICES, INC. )	ANSWER
REGARDING DELAYED INSTALLATION )	CT00-020

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 alleges that service was delayed to a new office thus affecting his phone service, computer usage and fax services. Complainant seeks 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 finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13 and 49-31. 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 the complaint shall be forwarded to McLeod and McLeod shall satisfy the complaint or file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 23<sup>rd</sup> day of February, 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><i>Debbie Kebo</i></u>
Date: <u>2/23/00</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