

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

**IN THE MATTER OF THE COMPLAINT FILED) ORDER DENYING MOTIONS
BY CHARLENE LUND ON BEHALF OF) TO DISMISS
SDCASAA, PIERRE, SOUTH DAKOTA,)
AGAINST MCIWORLD.COM AND QWEST) CT02-013
CORPORATION REGARDING)
UNAUTHORIZED BILLING FOR SERVICES)**

On April 26, 2002, the Public Utilities Commission (Commission) received a complaint filed by Charlene Lund on behalf of SDCASAA, Pierre, South Dakota (Complainant), against MCIWorldCom (MCI) and Qwest Corporation (Qwest) regarding unauthorized billing for services.

On April 29, 2002, the complaint was faxed to MCI and Qwest. Pursuant to ARSD 20:10:01:09, the companies were notified that they must satisfy the complaint or file answers in writing with the Commission by May 20, 2002. On May 20, 2002, Qwest filed an Answer and asked to be dismissed as a party to this complaint. On May 21, 2002, MCI filed an Answer and Motion to Dismiss.

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 May 30, 2002, at a regularly scheduled meeting, the Commission considered the Motions to Dismiss. The Commission voted unanimously to deny the Motions to Dismiss. It is therefore

ORDERED, that the Motions to Dismiss are hereby denied.

Dated at Pierre, South Dakota, this 7th day of June, 2002.

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>Melaine Kolbo</u>
Date: <u>6/10/02</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Robert K. Sahr
ROBERT K. SAHR, Commissioner