

**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 QUALITY INN, RAPID CITY, SOUTH )</b>	<b>COMPLAINT AND CLOSING</b>
<b>DAKOTA, AGAINST MCLEODUSA )</b>	<b>DOCKET</b>
<b>TELECOMMUNICATIONS SERVICES, INC. )</b>	
<b>AND QWEST CORPORATION REGARDING )</b>	<b>CT02-017</b>
<b>FAILURE TO PROVIDE SERVICE )</b>	

On May 15, 2002, the Public Utilities Commission (Commission) received a complaint filed by Quality Inn, Rapid City, South Dakota (Complainant), against McLeodUSA Telecommunications Services, Inc. (McLeod) regarding failure to provide service.

On May 15, 2002, the complaint was faxed to McLeod. Pursuant to ARSD 20:10:01:09, McLeod was notified that it must satisfy the complaint or file an answer in writing with the Commission by June 4, 2002. On June 3, 2002, the Commission received an answer from McLeod. A hearing in this matter was scheduled for November 19, 2002. By order dated November 15, 2002, the hearing was cancelled due to a conflict. On February 7, 2003, the Commission received a motion and third party complaint from McLeod requesting that Qwest Corporation (Qwest) be added as a party. On February 20, 2003, at a regularly scheduled meeting, the Commission voted to grant McLeod's request to add Qwest as a party. On February 24, 2003, the complaint was faxed to Qwest. On March 28, 2003, the Commission received an answer from Qwest. A second hearing in this matter was scheduled for July 8, 2003. By order dated July 1, 2003, the hearing was cancelled as Commission Staff was informed that settlement had been reached in this matter. On July 10, 2003, the Commission received a stipulation for dismissal from McLeod.

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 15, 2003, 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 23<sup>rd</sup> day of July, 2003.

<p><b>CERTIFICATE OF SERVICE</b></p> <p>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.</p> <p>By: <u>Neilaine Kalbo</u></p> <p>Date: <u>7/24/03</u></p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

Robert K. Sahr  
ROBERT K. SAHR, Chairman

Gary Hanson  
GARY HANSON, Commissioner

James A. Burg  
JAMES A. BURG, Commissioner