

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER GRANTING</b>
<b>BY GUY AND LINDA VARUD, SIOUX FALLS, )</b>	<b>QWEST'S MOTION TO</b>
<b>SOUTH DAKOTA, AGAINST QWEST )</b>	<b>DISMISS; ORDER DENYING</b>
<b>CORPORATION AND MCLEODUSA )</b>	<b>MCLEOD'S MOTION TO</b>
<b>TELECOMMUNICATIONS SERVICES, INC. )</b>	<b>DISMISS</b>
<b>REGARDING WIRING PROBLEMS )</b>	<b>CT02-043</b>

On October 17, 2002, the Public Utilities Commission (Commission) received a complaint filed by Guy and Linda Varud, Sioux Falls, South Dakota (Complainant), against Qwest Corporation (Qwest) and McLeodUSA Telecommunications Services, Inc. (McLeod) regarding wiring problems.

On October 18, 2002, the complaint was faxed to Qwest and McLeod. Pursuant to ARSD 20:10:01:09, Qwest and McLeod were notified that they must satisfy the complaint or file answers in writing with the Commission by November 7, 2002. On November 5, 2002, McLeod filed an answer and motion to dismiss the complaint against McLeod. On November 6, 2002, Qwest filed a motion to dismiss Qwest as a party to this complaint. The Commission has not received an answer from Qwest to this complaint.

On December 19, 2002, at a duly noticed meeting, Commission Staff recommended that the Commission grant Qwest's Motion to Dismiss and deny McLeod's 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 December 19, 2002, at a regularly scheduled meeting, the Commission considered this matter. The Commission voted to grant Qwest's Motion to Dismiss and deny McLeod's Motion to Dismiss. It is therefore

ORDERED, that Qwest's Motion to Dismiss is granted and McLeod's Motion to Dismiss is denied.

Dated at Pierre, South Dakota, this 3<sup>rd</sup> day of January, 2003.

<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>Rebecca Koelbs</i></u>
Date: <u><i>1/6/03</i></u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

<u><i>James A. Burg</i></u>
JAMES A. BURG, Chairman
<u><i>Pam Nelson</i></u>
PAM NELSON, Commissioner
<u><i>Robert K. Sahr</i></u>
ROBERT K. SAHR, Commissioner