

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING
BY JOAN AND FRANK URBANSKI ON)	COMPLAINT AND CLOSING
BEHALF OF ANYTIME TAN, NORTH SIOUX)	DOCKET
CITY, SOUTH DAKOTA, AGAINST)	
MCLEODUSA N/K/A PRAIRIEWAVE)	CT03-006
COMMUNICATIONS, INC. REGARDING A)	
CONTRACT DISPUTE)	

On March 12, 2003, the Public Utilities Commission (Commission) received a complaint filed by Joan and Frank Urbanski on behalf of Anytime Tan, North Sioux City, South Dakota (Complainant), against McLeodUSA n/k/a PrairieWave Communications, Inc. (PrairieWave) regarding a contract dispute.

On March 12, 2003, the complaint was faxed to PrairieWave. Pursuant to ARSD 20:10:01:09, PrairieWave was notified that it must satisfy the complaint or file an answer in writing with the Commission by April 1, 2003. On March 31, 2003, the Commission received an answer from PrairieWave. A hearing was scheduled for October 17, 2003. By order dated August 22, 2003, the hearing was rescheduled for October 24, 2003. By order dated October 17, 2003, the hearing was cancelled and a new hearing was to be rescheduled at a later time. A hearing was scheduled for June 2, 2004. By order dated June 1, 2004, the hearing was cancelled. Commission Staff was informed that settlement had been reached in this matter.

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 June 8, 2004, 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 11th day of June, 2004.

<p>CERTIFICATE OF SERVICE</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: _____</p> <p>Date: _____</p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

ROBERT K. SAHR, Chairman

GARY HANSON, Commissioner

JAMES A. BURG, Commissioner

