

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING
BY S&S COMMUNICATIONS AND LES)	COMPLAINT AND CLOSING
SUMPTION, ABERDEEN, SOUTH DAKOTA,)	DOCKET
AGAINST MCI WORLDCOM REGARDING)	
UNAUTHORIZED BILLING FOR SERVICES)	CT01-031

On July 18, 2001, the Public Utilities Commission (Commission) received a complaint filed by S&S Communications and Les Sumption, Aberdeen, South Dakota (Complainant), against MCI WorldCom (MCI) regarding unauthorized billing for services.

On July 18, 2001, the complaint was faxed to MCI. Pursuant to ARSD 20:10:01:09, MCI was notified that it must satisfy the complaint or file an answer in writing with the Commission by August 7, 2001. On August 7, 2001, the Commission received an answer from MCI. At a regularly scheduling meeting of September 7, 2001, the Commission voted to consolidate Dockets CT01-031 and CT01-032 for purposes of the hearing. A hearing in this matter was scheduled for July 24, 2002. On July 19, 2002, the Commission received a Motion to Dismiss, or in the Alternative, to Stay Further Proceedings from MCI. By order dated July 22, 2002, the hearing was continued until the further order of the Commission. On March 25, 2004, Complainant filed a Mutual Release in Full of All Claims.

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 April 6, 2004, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted to dismiss the complaint, with prejudice, and close the docket. It is therefore

ORDERED, that the complaint shall be dismissed, with prejudice, and the docket closed.

Dated at Pierre, South Dakota, this 19th day of April, 2004.

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>Delaine Kalbo</u>
Date: <u>4/20/04</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner