

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER CANCELLING
BY DON JIRACEK ON BEHALF OF G.S.A.)	HEARING
INC., RAPID CITY, SOUTH DAKOTA, AGAINST)	
MCLEODUSA TELECOMMUNICATIONS)	TC98-196
SERVICES, INC. REGARDING INADEQUATE)	
SERVICE)	

On November 2, 1998, the Public Utilities Commission (Commission) received a complaint filed by Don Jiracek on behalf of G.S.A. Inc., Rapid City, South Dakota (Complainant), against McLeodUSA Telecommunications Services, Inc. (McLeod). Complainant alleges a variety of customer service issues against McLeod, including problems procuring reliable service. The Complainant is requesting that it be reimbursed for its business losses.

Pursuant to ARSD 20:10:01:08.01 and 20:10:01:09, if a complaint cannot be settled without formal action, the Commission shall determine if the complaint shows probable cause of an unlawful or unreasonable act, rate, practice or omission to go forward with the complaint.

On December 7, 1998, the Commission considered this matter. The Commission voted unanimously to find probable cause and served the complaint on McLeod. An Amended Complaint was filed on December 10, 1998. The Commission permitted the filing of the Amended Complaint by order dated December 18, 1998. McLeod filed its Answer to Complaint on January 7, 1999.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-2, 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, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-60 through 49-31-68, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:28, inclusive. The Commission may rely upon any or all of these or other laws of this state in making its determination.

By order dated January 15, 1999, a hearing was scheduled for February 11, 1999, beginning at 9:00 o'clock A.M., in Room 3rd Floor East, Rapid City Area School Administrative Offices, 300 6th Street, Rapid City, South Dakota. On January 22, 1999, the Commission received a letter from the Complainant's attorney stating that both parties were requesting that the hearing be delayed in order to allow sufficient time for discovery. Based on the request of the parties, the hearing scheduled for February 11, 1999, is cancelled and shall be rescheduled for a later time. It is therefore

ORDERED, that the hearing scheduled for February 11, 1999, is cancelled and shall be rescheduled for a later time.

Dated at Pierre, South Dakota, this 1st day of February, 1999.

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: _____

Date: _____

(OFFICIAL SEAL)

**BY ORDER OF THE COMMISSION:
Commissioners Burg, Nelson and
Schoenfelder**

WILLIAM BULLARD, JR.
Executive Director