

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER AMENDING</b>
<b>BY ROLLIE JENSEN, SIOUX FALLS, SOUTH )</b>	<b>COMPLAINT, FINDING</b>
<b>DAKOTA, AGAINST MCLEODUSA )</b>	<b>PROBABLE CAUSE AND</b>
<b>TELECOMMUNICATIONS SERVICES, INC. )</b>	<b>NOTICE REQUIRING</b>
<b>AND U S WEST COMMUNICATIONS, INC. )</b>	<b>ANSWER</b>
<b>REGARDING DELAYED INSTALLATION )</b>	<b>CT00-020</b>

On January 18, 2000, the Public Utilities Commission (Commission) received a complaint filed by Rollie Jensen, Sioux Falls, South Dakota (Complainant), against McLeodUSA Telecommunications Services, Inc. (McLeod). The Complainant alleges that service was delayed to a new office thus affecting his phone service, computer usage and fax services. Complainant seeks damages for lost income, wages, extra rent and cellular phone charges.

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 February 15, 2000, at a duly noticed meeting, the Commission considered this matter and determined that there was probable cause that an unlawful or unreasonable act, rate, practice or omission was committed by McLeod. The Complainant appeared via teleconference; McLeod appeared in the same manner and was represented by its counsel Barbara Berkenpas. Commission Staff recommended a finding of probable cause.

On January 19, 2000, Complainant moved to amend his complaint to include U S WEST Communications, Inc. (U S WEST) as an additional defendant. On February 24, 2000, Complainant moved to further amend his complaint to address billing issues against McLeod and U S WEST. The question of whether the complaint herein should be amended to include U S WEST as an additional defendant and to consider billing issues against both McLeod and U S WEST was considered by the Commission at its regularly scheduled February 29, 2000, meeting. Further, if amendment was to be allowed, the issue of probable cause of U S WEST committing an unlawful or unreasonable act, rate, practice or omission was considered. Complainant appeared via teleconference. U S WEST appeared through Colleen Sevold who did not resist the amendment of the complaint or the subsequent finding of probable cause. Commission Staff recommended allowing the amendment and the finding of probable cause.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, 49-31 and ARSD 20:10:01:16. The Commission voted unanimously to allow the amendment and to find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:16, Complainant shall be allowed to amend his complaint (1) to include U S WEST as an additional defendant and (2) to include billing issues against both McLeod and U S WEST; and it is further

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and the amendment to the complaint shall be forwarded to McLeod and U S WEST and McLeod and U S WEST shall satisfy the complaint or file with the Commission its answer in writing to the original complaint and the complaint as amended within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 6<sup>th</sup> day of March, 2000.

<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>Delaine Kaebo</i></u>
Date: <u>3/8/00</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*James A. Burg*  
JAMES A. BURG, Chairman

*Pam Nelson*  
PAM NELSON, Commissioner

*Laska Schoenfelder*  
LASKA SCHOENFELDER, Commissioner