

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING
BY FLANDREAU SANTEE SIOUX TRIBE)	COMPLAINT AND CLOSING
PROBATION OFFICE, FLANDREAU, SOUTH)	DOCKET
DAKOTA, AGAINST MCI WORLDCOM AND)	
IONEX COMMUNICATIONS NORTH, INC.)	CT00-111
REGARDING UNAUTHORIZED SWITCHING OF)	
SERVICES)	

On December 6, 2000, the Public Utilities Commission (Commission) received a complaint filed by Terry Hoffmann, Flandreau, South Dakota (Complainant), against MCI WorldCom (MCI) and Ionex Communications North, Inc. (Ionex) regarding unauthorized switching of services.

On December 6, 2000, the complaint was faxed to MCI and Ionex. Pursuant to ARSD 20:10:01:09, MCI and Ionex were notified that they must satisfy the complaint or file answers in writing with the Commission by December 26, 2000. On December 28, 2000, the Commission received an answer from Ionex. On January 5, 2001, the Commission received an answer and cross-claim from MCI.

By order dated January 2, 2001, the hearing was scheduled for January 17, 2001, in the Commission's Cactus Conference Room, State Capitol Building, 500 E. Capitol, Pierre, South Dakota. On January 12, 2001, a motion for continuance was filed by Ionex. Ionex requested that the hearing be continued in order to allow it 20 days to file an answer to the cross-claim. By order dated January 24, 2001, the Commission granted Ionex's motion for continuance and denied Ionex's motion to dismiss. On January 26, 2001, the Commission received a request from Terry Hoffmann asking that his name "be removed from the complaint and be replaced with F.S.S.T. (Flandreau Santee Sioux Tribe) Probation." On February 6, 2001, at a regularly scheduled meeting, the Commission considered the request. MCI and Ionex stated that they did not object to the name change. The Commission unanimously voted to approve the request that Terry Hoffmann's name be substituted with Flandreau Santee Sioux Tribe Probation Office. On April 11, 2001, the Commission received a Stipulation stating that the complaint had been settled, and on May 30, 2001, Commission Staff received a letter from complainant stating that the complaint had been settled.

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 19, 2001, 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 22nd day of June, 2001.

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>Debra Kacks</u>
Date:	<u>6/25/01</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner