

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER GRANTING</b>
<b>BY TERRY HOFFMANN, FLANDREAU, SOUTH )</b>	<b>CONTINUANCE; ORDER</b>
<b>DAKOTA, AGAINST MCI WORLDCOM AND )</b>	<b>DENYING MOTION TO</b>
<b>IONEX COMMUNICATIONS NORTH, INC. )</b>	<b>DISMISS</b>
<b>REGARDING UNAUTHORIZED SWITCHING OF )</b>	
<b>SERVICES )</b>	<b>CT00-111</b>

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.

On the date scheduled for the hearing, January 17, 2001, the Commission considered the motion for continuance. 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. In addition to its motion for continuance, Ionex also moved to dismiss the complaint. MCI joined in Ionex's motion for continuance and also moved for a continuance. Although it was noted that MCI's answer was not timely filed, no party moved to strike the answer. No party moved to strike the cross-claim. No one objected to the motions for continuance. The Commission granted Ionex's motion for continuance. The Commission denied Ionex's motion to dismiss. The Commission noted that the hearing will be rescheduled for a later date. It is therefore

ORDERED, that Ionex's motion for continuance is granted; and it is

FURTHER ORDERED, that Ionex's motion to dismiss is denied.

Dated at Pierre, South Dakota, this 24<sup>th</sup> day of January, 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: Delaine Kelbo

Date: 1/24/01

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner

Laska Schoenfelder  
LASKA SCHOENFELDER, Commissioner