

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING
BY MIKE MATTERN, ABERDEEN, SOUTH)	COMPLAINT AND CLOSING
DAKOTA, AGAINST MCLEODUSA)	DOCKET
TELECOMMUNICATIONS SERVICES, INC.)	
AND QWEST CORPORATION REGARDING)	CT00-112
POOR SERVICE)	

On December 6, 2000, the Public Utilities Commission (Commission) received a complaint filed by Mike Mattern, Aberdeen, South Dakota (Complainant), against McLeodUSA Telecommunications Services, Inc. (McLeod) regarding poor service

On December 6, 2000, the complaint was faxed to McLeod. Pursuant to ARSD 20:10:01:09, McLeod was notified that it must satisfy the complaint or file an answer in writing with the Commission by December 26, 2000. On December 22, 2000, the Commission received an answer and motion to dismiss from McLeod.

On January 9, 2001, the Commission received a letter from Complainant requesting that Qwest Corporation (Qwest) be added to his complaint. On January 17, 2001, at a regularly scheduled meeting, the Commission considered this request. The Complainant stated he did not have a problem with Qwest, he just wanted some information from Qwest. Qwest's representative stated Qwest would provide the information through a subpoena. The Commission voted to deny the request to add Qwest as a party (Pam Nelson, dissenting). On April 19, 2001, McLeod filed a Motion to Join Qwest as a Party. On April 24, 2001, Qwest filed its Response to Motion of McLeodUSA to Add Qwest as a Party. On May 8, 2001, at a regularly scheduled meeting, the Commission considered this matter. Qwest did not object to being added as a party. The Commission voted to grant McLeod's Motion to Join Qwest as a Party. A hearing in this matter was scheduled for June 20, 2001. By order dated June 12, 2001, the hearing was cancelled as Commission Staff was informed that settlement had been reached in this matter.

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, and ARSD Chapters 20:10:01 and 20:10:33.

On July 24, 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 27th day of July, 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>Mildred Kaelo</u>
Date: <u>8/3/01</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner