

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

IN THE MATTER OF THE COMPLAINT FILED) BY JERRY R. OURADA, SIOUX FALLS,) SOUTH DAKOTA, AGAINST WORLDCOM) REGARDING UNAUTHORIZED SWITCHING OF) SERVICES)	ORDER FOR AND NOTICE OF HEARING CT01-005
IN THE MATTER OF THE COMPLAINT FILED) BY JOHN P. DONAHOE, SIOUX FALLS,) SOUTH DAKOTA, AGAINST WORLDCOM) REGARDING UNAUTHORIZED SWITCHING OF) SERVICES)	CT01-006

On February 5, 2001, the Public Utilities Commission (Commission) received a complaint filed by Jerry R. Ourada, Sioux Falls, South Dakota (Complainant), against WorldCom (WorldCom) regarding unauthorized switching of services.

On February 6, 2001, the complaint was faxed to WorldCom. Pursuant to ARSD 20:10:01:09, WorldCom was notified that it must satisfy the complaint or file an answer in writing with the Commission by February 26, 2001.

On February 7, 2001, the Public Utilities Commission (Commission) received a complaint filed by John P. Donahoe, Sioux Falls, South Dakota (Complainant), against WorldCom (WorldCom) regarding unauthorized switching of services.

On February 7, 2001, the complaint was faxed to WorldCom. Pursuant to ARSD 20:10:01:09, WorldCom was notified that it must satisfy the complaint or file an answer in writing with the Commission by February 27, 2001.

On February 26, 2001, the Commission received answers in the above referenced complaints and a motion to consolidate Dockets CT01-005 and CT01-006 from WorldCom. On March 6, 2001, at a duly noticed meeting, the Commission voted unanimously to consolidate Dockets CT01-005 and CT01-006 for purposes of the hearing.

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.

A hearing shall be held on March 22, 2001, in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota, immediately following the hearing for Docket CT01-004, which is scheduled to begin at 8:30 o'clock A.M. All persons testifying will be subject to cross-examination by the parties. The order of the proceeding will be in the following sequence: (1) Complainants; (2) WorldCom; and (3) Staff.

The issues at the hearing are whether WorldCom committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decisions will be based solely on the testimony and evidence provided, if any, during the hearing or Final Decisions may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding these matters. As a result of the hearing, the Commission shall determine whether WorldCom committed an unlawful or unreasonable act, rate, practice, or omission and, if so, order any appropriate relief. The Commission's Final Decisions may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that a hearing shall be held at the time and place specified above on the issues of whether WorldCom committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 9th day of March, 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>Alaine Kalbs</u>
Date:	<u>3/9/01</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