

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING
BY EILEEN NELSON, SIOUX FALLS, SOUTH)	COMPLAINT AND CLOSING
DAKOTA, AGAINST MCLEODUSA)	DOCKET
TELECOMMUNICATIONS SERVICES, INC.)	
REGARDING A BILLING DISPUTE)	CT02-019

On June 14, 2002, the Public Utilities Commission (Commission) received a complaint filed by Eileen Nelson, Sioux Falls, South Dakota (Complainant), against McLeodUSA Telecommunications Services, Inc. (McLeodUSA) regarding a billing dispute.

On June 14, 2002, the complaint was faxed to McLeodUSA. Pursuant to ARSD 20:10:01:09, McLeodUSA was notified that it must satisfy the complaint or file an answer in writing with the Commission by July 5, 2002. On July 1, 2002, the Commission received an answer from McLeodUSA denying the allegations charged in the complaint. On September 17, 2002, the Commission received a motion to dismiss from Staff alleging that the Complainant had failed to properly file a complaint compliant with ARSD 20:10:07:01(3) and failed to amend her complaint pursuant to ARSD 20:10:01:08:01.

On September 24, 2002, at a regularly scheduled meeting, the Commission considered this matter. Complainant did not appear either in person or by telephone. Staff and McLeodUSA presented arguments in favor of Staff's motion to dismiss on the grounds that Complainant had failed to state a clear and reasonably certain statement of facts giving rise to the complaint and had failed to amend her complaint pursuant to the rule. The Commission voted to grant Staff's motion to dismiss and 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 4th day of October, 2002.

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>Melanie Kaelo</u>
Date: <u>10/4/02</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Robert K. Sahr
ROBERT K. SAHR, Commissioner