

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DENYING MOTION
BY WAYNE AND DONNA WEIG, LEOLA,)	TO DISMISS IN PART AND
SOUTH DAKOTA, AGAINST MCIWORLD.COM)	GRANTING MOTION TO
REGARDING DECEITFUL TELEMARKETING)	DISMISS IN PART
PRACTICES)	CT02-012

On April 25, 2002, the Public Utilities Commission (Commission) received a complaint filed by Wayne and Donna Weig, Leola, South Dakota (Complainant), against MCIWorldCom (MCI) regarding deceitful telemarketing practices.

On April 25, 2002, the complaint was faxed to MCI. Pursuant to ARSD 20:10:01:09, the company was notified that it must satisfy the complaint or file an answer in writing with the Commission by May 15, 2002. On May 15, 2002, MCI filed an Answer and Motion to Dismiss.

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 May 30, 2002, at a regularly scheduled meeting, the Commission considered the Motion to Dismiss. The Commission voted unanimously to deny the Motion to Dismiss as to Complainant's April 2002 complaint, but to grant MCI's Motion to Dismiss with respect to the 1994-95 acts as barred by the applicable statute of limitations and occurring prior to the effective date of SDCL 49-31-89 to 49-31-97 (Statute) and with respect to the 1998 acts as prior to the effective date of the Statute. It is therefore

ORDERED, that the Motion to Dismiss is hereby denied as to the April 2002 allegations and granted as to the 1994-95 and 1998 allegations; and it is further

ORDERED, that the Complainant shall have the right to introduce evidence concerning the 1994-95 and 1998 events in support of their April 2002 complaint and the appropriate remedy, if any.

Dated at Pierre, South Dakota, this 7th day of June, 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>Melaine Kalbo</u>
Date: <u>6/10/02</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