

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

**IN THE MATTER OF THE COMPLAINT FILED)
BY LEN SCHERR ON BEHALF OF SAMMY'S)
RESTAURANT, ABERDEEN, SOUTH DAKOTA,)
A G A I N S T M C L E O D U S A)
TELECOMMUNICATIONS SERVICES, INC.)
REGARDING A CONTRACT DISPUTE)** **ORDER DISMISSING
COMPLAINT AND CLOSING
DOCKET
CT02-037**

On September 10, 2002, the Public Utilities Commission (Commission) received a complaint filed by Len Scherr on behalf of Sammy's Restaurant, Aberdeen, South Dakota (Complainant), against McLeodUSA Telecommunications Services, Inc. (McLeod) regarding a contract dispute.

On September 10, 2002, 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 September 30, 2002. On November 1, 2002, the Commission received an answer and counterclaim from McLeod. A hearing in this matter was scheduled for March 18, 2003. By order dated March 17, 2003, 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, 49-31-89 through 49-31-97, inclusive, and ARSD Chapters 20:10:01 and 20:10:34.

On April 1, 2003, 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 8th day of April, 2003.

<p>CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u>Rebecca Kolbo</u></p> <p>Date: <u>4/8/03</u></p> <p align="center">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner