

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING
BY GUY AND LINDA VARUD, SIOUX FALLS,)	COMPLAINT AND CLOSING
SOUTH DAKOTA, AGAINST QWEST)	DOCKET
CORPORATION AND MCLEODUSA)	
TELECOMMUNICATIONS SERVICES, INC.)	CT02-043
REGARDING WIRING PROBLEMS)	

On October 17, 2002, the Public Utilities Commission (Commission) received a complaint filed by Guy and Linda Varud, Sioux Falls, South Dakota (Complainant), against Qwest Corporation (Qwest) and McLeodUSA Telecommunications Services, Inc. (McLeod) regarding wiring problems.

On October 18, 2002, the complaint was faxed to Qwest and McLeod. Pursuant to ARSD 20:10:01:09, Qwest and McLeod were notified that they must satisfy the complaint or file answers in writing with the Commission by November 7, 2002. On November 5, 2002, McLeod filed an answer and motion to dismiss the complaint against McLeod. On November 6, 2002, Qwest filed a motion to dismiss Qwest as a party to this complaint. The Commission has not received an answer from Qwest to this complaint. On December 19, 2002, the Commission voted to grant Qwest's Motion to Dismiss and deny McLeod's Motion to Dismiss. Commission Staff was informed that Complainant desired that the complaint be dismissed.

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 without prejudice and close the docket. It is therefore

ORDERED, that the complaint shall be dismissed without prejudice and the docket closed.

Dated at Pierre, South Dakota, this 8th day of April, 2003.

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><i>Delaine Kolbo</i></u>
Date: <u>4/9/03</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner