

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER DISMISSING</b>
<b>BY SANDY FENHAUS ON BEHALF OF )</b>	<b>COMPLAINT AND CLOSING</b>
<b>HEADLINES ACADEMY, INC., RAPID CITY, )</b>	<b>DOCKET</b>
<b>SOUTH DAKOTA, AGAINST MCLEODUSA )</b>	
<b>TELECOMMUNICATIONS SERVICES, INC. )</b>	<b>CT02-044</b>
<b>REGARDING A CONTRACT DISPUTE )</b>	

On November 5, 2002, the Public Utilities Commission (Commission) received a complaint filed by Sandy Fenhaus on behalf of Headlines Academy, Inc., Rapid City, South Dakota (Complainant), against McLeodUSA Telecommunications Services, Inc. McLeod) regarding a contract dispute.

On November 5, 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 November 25, 2002. The Commission has not received an answer from McLeod to this complaint. On November 20, 2002, the Commission received a mutual release and agreement to dismissal.

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 December 19, 2002, 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 3<sup>rd</sup> day of January, 2003.

<b>CERTIFICATE OF SERVICE</b>
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 Kaabo</i></u>
Date: <u><i>1/6/03</i></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