

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

IN THE MATTER OF THE COMPLAINT FILED )	ORDER DISMISSING
BY DR. DALE GUNDERSON ON BEHALF OF )	COMPLAINT AND CLOSING
ASSOCIATES OF ENT BLACK HILLS, RAPID )	DOCKET
CITY, SOUTH DAKOTA, AGAINST )	
MCLEODUSA TELECOMMUNICATIONS )	CT02-046
SERVICES, INC. REGARDING A CONTRACT )	
DISPUTE AND YELLOW PAGES )	
ADVERTISING ISSUES )	

On December 3, 2002, the Public Utilities Commission (Commission) received a complaint filed by Dr. Dale Gunderson on behalf of Associates of ENT Black Hills, Rapid City, South Dakota (Complainant), against McLeodUSA Telecommunications Services, Inc. (McLeod) regarding a contract dispute and yellow pages advertising issues.

On December 3, 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 December 23, 2002. The Commission has not received an answer from McLeod to this complaint. 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 January 16, 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 28<sup>th</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>Dalaine Kolbo</i></u>
Date: <u>1/28/03</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