

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

IN THE MATTER OF THE COMPLAINT FILED) BY MARK VAN DEN HOEK ON BEHALF OF) HARD DRIVE CENTRAL, MITCHELL, SOUTH) DAKOTA, AGAINST IONEX) COMMUNICATIONS NORTH, INC.) REGARDING QUALITY OF SERVICE ISSUE)	ORDER DISMISSING COMPLAINT AND CLOSING DOCKET CT03-003
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On February 4, 2003, the Public Utilities Commission (Commission) received a complaint filed by Mark Van Den Hoek on behalf of Hard Drive Central, Mitchell, South Dakota (Complainant), against Ionex Communications North, Inc. (Ionex) regarding quality of service issue.

On February 5, 2003, the complaint was faxed to Ionex. Pursuant to ARSD 20:10:01:09, Ionex was notified that it must satisfy the complaint or file an answer in writing with the Commission by February 25, 2003. On February 26, 2003, the Commission received a motion to dismiss complaint and waive hearing from Ionex. 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 May 6, 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 16th day of May, 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>Rebecca Kolbo</i></u>
Date: <u>5/19/03</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