BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED	)	ORDER DISMISSING
BY S&S COMMUNICATIONS, ABERDEEN,	)	COMPLAINT AND CLOSING
SOUTH DAKOTA, AGAINST MCI WORLDCOM	)	DOCKET
REGARDING BILLING, POOR SERVICE AND	)	
UNETHICAL BEHAVIOR	)	CT01-014

On April 5, 2001, the Public Utilities Commission (Commission) received a complaint filed by S&S Communications, Aberdeen, South Dakota (Complainant), against MCI WorldCom (MCI) regarding billing, poor service, and unethical behavior. Complainant alleges that MCI WorldCom (MCI) has over billed S&S Communications' (S&S) corporate account for the months of January through November 2000; MCI has direct billed S&S customers for unauthorized service at casual rates; MCI has provided poor service, slow or no switching of S&S subscriber base orders, has not provided MCI LOA forms and proper information; MCI has stalled and mis-provisioned S&S dedicated T-1 facilities; MCI has frozen S&S service orders and its corporate account; and that MCI has performed in an overall unethical manner in its treatment of S&S and its customers. The complainant requests that MCI refund or credit S&S for the over-charges; refund all monies that S&S paid as a result of the alleged unauthorized direct billings of its customers; that the Commission hold MCI accountable for its actions according to state and federal law; that Complainant be compensated for the delay in transitioning its dedicated facilities; that MCI compensate S&S for administration costs, lost revenues, and expenses relating to the complaint issue; and that the Commission bar MCI from disconnecting S&S and its customers before the Commission can rule on the merits of the complaint filed.

On April 5, 2001, the complaint was faxed to MCI. Pursuant to ARSD 20:10:01:09, MCI was notified that it must satisfy the complaint or file an answer in writing with the Commission by April 25, 2001. On April 23, 2001, MCI filed a letter stating that the parties had entered an agreement to stay the complaint while the parties negotiated a resolution of the dispute and further requested an additional 20 days to file its Answer. On May 11, 2001, MCI filed its Answer and Counterclaim. On May 29, 2001, Complainant filed a Reply to Counterclaim. On June 25, 2001, MCI filed a Motion to Dismiss, or in the Alternative, to Stay Further Proceedings. On July 6, 2001, Complainant filed a Response to MCI's Motion to Dismiss, or in the Alternative, to Stay Further Proceedings. The Commission heard the matter at the July 10, 2001, regular meeting and deferred action. On April 29, 2002, Complainant filed a First Amended Complaint. On March 25, 2004, Complainant filed a Mutual Release in Full of All Claims.

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 6, 2004, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted to dismiss the complaint, with prejudice, and close the docket. It is therefore

ORDERED, that the complaint shall be dismissed, with prejudice, and the docket closed.

Dated at Pierre, South Dakota, this _19th_ day of April, 2004.

BY ORDER OF THE COMMISSION:

ROBERT K. SAHR, Chairman

GARY HANSON, Commissioner

JAMES A. BURG, Commissioner

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