

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

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| IN THE MATTER OF THE COMPLAINT FILED |) | ORDER DENYING MOTION |
| BY WAYNE AND DONNA WEIG, LEOLA, |) | TO DISMISS |
| SOUTH DAKOTA, AGAINST MCIWORLD.COM |) | |
| REGARDING DECEITFUL TELEMARKETING |) | CT02-012 |
| PRACTICES |) | |

On April 25, 2002, the Public Utilities Commission (Commission) received a complaint filed by Wayne and Donna Weig, Leola, South Dakota (Complainant), against MCIWorldCom (MCI) regarding deceitful telemarketing practices.

On April 25, 2002, the complaint was faxed to MCI. Pursuant to ARSD 20:10:01:09, the company was notified that it must satisfy the complaint or file an answer in writing with the Commission by May 15, 2002. On May 15, 2002, MCI filed an Answer and Motion to Dismiss.

On May 30, 2002, at a regularly scheduled meeting, the Commission considered the Motion to Dismiss. The Commission voted unanimously to deny the Motion to Dismiss as to Complainant's April 2002 complaint, but to grant MCI's Motion to Dismiss with respect to the 1994-95 acts as barred by the applicable statute of limitations and occurring prior to the effective date of SDCL 49-31-89 to 49-31-97 (Statute) and with respect to the 1998 acts as prior to the effective date of the Statute. On November 23, 2004, the Commission received a second Motion to Dismiss from MCI.

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 November 30, 2004, at a regularly scheduled meeting, the Commission considered the Motion to Dismiss. The Commission voted unanimously to deny the Motion to Dismiss. It is therefore

ORDERED, that the Motion to Dismiss is hereby denied.

Dated at Pierre, South Dakota, this 10th day of December, 2004.

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: _____

Date: _____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

ROBERT K. SAHR, Chairman

GARY HANSON, Commissioner

JAMES A. BURG, Commissioner