

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FINDING
BY GREG AND MARILYN BOLT, RAPID CITY,)	PROBABLE CAUSE AND
SOUTH DAKOTA, AGAINST MCLEODUSA)	NOTICE REQUIRING
TELECOMMUNICATIONS SERVICES, INC.)	ANSWER
REGARDING DELAYED TRANSFER OF)	
SERVICE)	TC98-192

On October 27, 1998, the Public Utilities Commission (Commission) received a complaint by Greg and Marilyn Bolt, Rapid City, South Dakota (Complainants), against McLeodUSA Telecommunications Services, Inc. (McLeodUSA). The Complainants claim that a delay in transfer of telephone service caused loss of income. The Complainants seek the following relief: "I know we lost a \$10,000 job because of not having a phone. Plus other jobs and 10 hours of time spent at a payphone. And no phone for emergency reasons. We feel we lost a minimum of \$12,000."

Pursuant to ARSD 20:10:01:08.01 and 20:10:01:09, if a complaint cannot be settled without formal action, the Commission shall determine if the complaint shows probable cause of an unlawful or unreasonable act, rate, practice or omission to go forward with the complaint.

On November 25, 1998, at a duly noticed meeting, the Complainants explained their complaint to the Commission. McLeodUSA explained its actions in this matter to the Commission.

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, 49-31-11, 49-31-60 through 49-31-68, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive. The Commission voted unanimously to find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and that the complaint shall be forwarded to McLeodUSA and McLeodUSA shall file with the Commission their answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 4th day of December, 1998.

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>Alaine Kaelo</u>
Date: <u>12/8/98</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner