

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

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| IN THE MATTER OF THE COMPLAINT FILED) | ORDER DISMISSING) |
| BY GREG AND MARILYN BOLT, RAPID CITY,) | COMPLAINT AND CLOSING) |
| SOUTH DAKOTA, AGAINST MCLEODUSA) | DOCKET) |
| TELECOMMUNICATIONS SERVICES, INC.) | |
| REGARDING DELAYED TRANSFER OF) | TC98-192) |
| SERVICE) | |

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 voted unanimously to find probable cause. McLeodUSA filed its Answer with the Commission on December 28, 1998. A hearing was scheduled for April 15, 1999. Prior to the hearing the parties informed the Commission that the matter had been settled and the Complainants wished to have the complaint dismissed and the docket closed.

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.

On April 26, 1999, at its duly noticed meeting, the Commission voted unanimously to dismiss the complaint and close the docket. It is therefore

ORDERED, that this complaint be dismissed and the docket be closed.

Dated at Pierre, South Dakota, this 5th day of May, 1999.

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| 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>Delaine Kalbo</i></u> |
| Date: <u>5/6/99</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