

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

IN THE MATTER OF THE COMPLAINT FILED ) BY DON JIRACEK ON BEHALF OF G.S.A. ) INC., RAPID CITY, SOUTH DAKOTA, AGAINST ) MCLEODUSA TELECOMMUNICATIONS ) SERVICES, INC. REGARDING INADEQUATE ) SERVICE )	)	ORDER GRANTING MOTION TO STRIKE  TC98-196
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On November 2, 1998, the Public Utilities Commission (Commission) received a complaint filed by Don Jiracek on behalf of G.S.A. Inc., Rapid City, South Dakota (Complainant) against McLeodUSA Telecommunications Services, Inc (McLeod). The Complainant is seeking \$33,000 in damages for lost business. On December 7, 1998, the Commission ordered a finding of probable cause to go forward with this complaint. The Commission approved the amendments to the complaint on December 14, 1998. A hearing in this matter was held on April 15, 1999. On June 3, 1999, Complainant filed a Reply Brief which purported to have attached Exhibit A. There was reference made to Exhibit A in the Reply Brief, however, it was not attached to the Reply Brief. On June 11, 1999, McLeod filed a motion to strike any reference to Exhibit A and Exhibit A itself as referenced in Complainant's Reply Brief. On June 18, 1999, Complainant conceded that Exhibit A was not attached to the Reply Brief and agreed to strike the reference to Exhibit A from its Reply Brief.

On July 13, 1999, at its regularly scheduled meeting, the Commission considered the motion to strike.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 1-26-19, 1-26-21, 49-13-1, 49-13-4, 49-13-13, 49-13-14.1, 49-31-3, 49-31-7, 49-31-7.1, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-60 through 49-31-68, inclusive. It is therefore

ORDERED, that pursuant to SDCL 1-26-21 the motion to strike Exhibit A from Complainant's Reply Brief is hereby granted.

Dated at Pierre, South Dakota, this 16<sup>th</sup> day of July, 1999.

<b>CERTIFICATE OF SERVICE</b>
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>William Kalbo</i></u>
Date: <u>7/19/99</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