

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED )	ORDER FINDING
BY DON JIRACEK ON BEHALF OF G.S.A. )	PROBABLE CAUSE AND
INC., RAPID CITY, SOUTH DAKOTA, AGAINST )	NOTICE REQUIRING
MCLEODUSA TELECOMMUNICATIONS )	ANSWER
SERVICES, INC. REGARDING INADEQUATE )	
SERVICE )	TC98-196

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). Complainant alleges a variety of customer service issues against McLeod, including problems procuring reliable service. The Complainant is requesting that it be reimbursed for its business losses.

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 December 7, 1998, the Commission considered this matter. Complainant, through the attorney of record, Bart Banks, explained the complaint. McLeod did not appear or respond at this meeting. Commission Staff recommended a finding of probable cause.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 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, 49-31-60 through 49-31-68, inclusive, and ARSD 20:10:01:08.01 and 20:10:01:09. 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 McLeod which shall file with the Commission its answer in writing within twenty (20) days of service of this order; and it is further

ORDERED, that the executive director shall set a procedural schedule.

Dated at Pierre, South Dakota, this 9th day of December, 1998.

<p align="center"><b>CERTIFICATE OF SERVICE</b></p> <p>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.</p> <p>By: <u>    <i>Belaine Kelbo</i>    </u></p> <p>Date: <u>    12/10/98    </u></p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

    *James A. Burg*      
JAMES A. BURG, Chairman

    *Pam Nelson*      
PAM NELSON, Commissioner

    *Laska Schoenfelder*      
LASKA SCHOENFELDER, Commissioner