

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

IN THE MATTER OF THE COMPLAINT) FILED BY KAREN M. ERICKSON,) ABERDEEN, SOUTH DAKOTA, AGAINST) MCLEODUSA TELECOMMUNICATIONS) SERVICES, INC. REGARDING) UNACCEPTABLE SERVICES)	ORDER DISMISSING COMPLAINT AND CLOSING DOCKET TC98-157
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On September 2, 1998, the Public Utilities Commission (Commission) received a complaint from Karen M. Erickson, Aberdeen, South Dakota, against McLeodUSA Telecommunications Services, Inc. (McLeod) regarding unacceptable services. Ms. Erickson alleges that on April 27, 1998, telephone service was requested to be installed at her residence on May 1, 1998. Service was not provided until May 20, 1998. Ms. Erickson is requesting \$185 for switching fees, \$200 for emotional stress, and payment of her cellular phone bill during that time.

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 October 20, 1998, at its duly noticed meeting, the Commission deferred the complaint as Ms. Erickson had not received correspondence from McLeod regarding this matter. On October 27, 1998, the Commission again considered the matter. Commission Staff reported that the parties had reached a settlement of the matter and Ms. Erickson wished to withdraw her complaint.

The Commission has jurisdiction over this matter pursuant to SDCL 49-13-1, 49-13-4, 49-31-7, 49-31-7.1, and ARSD 20:10:01:07.01 and 20:10:01:08.01. The Commission unanimously voted not to find probable cause, to dismiss the complaint, and to close the docket. It is therefore

ORDERED, that there is no finding of probable cause. It is further

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

Dated at Pierre, South Dakota, this 29th day of October, 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>Melanie Kelbo</u>
Date: <u>10/29/98</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