

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

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| IN THE MATTER OF THE COMPLAINT FILED )<br>BY JUDY CALLAWAY ON BEHALF OF )<br>MIDWEST TIRE AND MUFFLER, INC., RAPID )<br>CITY, SOUTH DAKOTA, AGAINST )<br>MCLEODUSA TELECOMMUNICATIONS )<br>SERVICES, INC. REGARDING POOR QUALITY )<br>OF CUSTOMER SERVICE, FAILURE TO )<br>TRANSFER SERVICE TO NEW CARRIER AND )<br>DISPUTED BILLING ) | ) | ORDER DISMISSING<br>COMPLAINT AND CLOSING<br>DOCKET<br><br>CT02-026 |
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On July 17, 2002, the Public Utilities Commission (Commission) received a complaint filed by Judy Callaway on behalf of Midwest Tire and Muffler, Inc., Rapid City, South Dakota (Complainant), against McLeodUSA Telecommunications Services, Inc. (McLeod) regarding poor quality of customer service, failure to transfer service to new carrier and disputed billing.

On July 17, 2002, the complaint was faxed to McLeod. Pursuant to ARSD 20:10:01:09, McLeod was notified that it must satisfy the complaint or file an answer in writing with the Commission by August 6, 2002. On August 30, 2002, the Commission received an answer and counterclaim from McLeod. Commission Staff was informed that settlement had been reached in this matter.

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, 49-31-7.3, 49-31-7.4, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-97, inclusive, and ARSD Chapters 20:10:01 and 20:10:34.

On November 20, 2002, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted to dismiss the complaint and close the docket. It is therefore

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

Dated at Pierre, South Dakota, this 2<sup>nd</sup> day of December, 2002.

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| <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>Debbie Kalbo</u>  |
| Date: <u>12/2/02</u>   |
| (OFFICIAL SEAL)  |

BY ORDER OF THE COMMISSION:

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner

Robert K. Sahr  
ROBERT K. SAHR, Commissioner