

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER CANCELLING</b>
<b>BY SUN GOLD TROPHIES, MITCHELL, SOUTH )</b>	<b>HEARING</b>
<b>DAKOTA, AGAINST MIDCO )</b>	
<b>COMMUNICATIONS, INC. D/B/A )</b>	<b>CT99-072</b>
<b>MIDCONTINENT COMMUNICATIONS, INC. )</b>	
<b>AND MCI WORLDCOM REGARDING POOR )</b>	
<b>SERVICE )</b>	

On December 7, 1999, the Public Utilities Commission (Commission) received a complaint filed by Sun Gold Trophies, Mitchell, South Dakota (Complainant), against Midco Communications, Inc. d/b/a Midcontinent Communications, Inc. and MCI WorldCom (Midco and MCI, respectively) alleging that the company's "1-800" customers were being misdirected to numbers for sex lines. Complainant seeks relief from the Commission and asks that the "1-800" number be suspended and that damages be awarded.

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 28, 1999, at a duly noticed meeting, a representative of the Complainant appeared via teleconference and explained the company's case. Midco and MCI did not resist a finding of probable cause. Commission Staff recommended a finding of probable cause due to unresolved factual issues.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL chapters 1-26, 49-2, 49-13, and 49-31, specifically SDCL 49-13-1 through 49-13-14.1, inclusive, 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 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 20:10:33 and 20:10:34. The Commission voted unanimously to find probable cause.

By order dated April 7, 2000, a hearing was scheduled for May 10, 2000, beginning at 9:00 o'clock A.M., in Room 412, State Capitol Building, 500 E. Capitol, Pierre, South Dakota. By letter dated May 4, 2000, Complainant's attorney requested a continuance of this matter, so therefore the hearing is cancelled. It is therefore

ORDERED, that the hearing scheduled for May 10, 2000, is cancelled and shall be rescheduled at a later date.

Dated at Pierre, South Dakota, this 8th day of May, 2000.

<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: _____
Date: _____
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

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JAMES A. BURG, Chairman

\_\_\_\_\_  
PAM NELSON, Commissioner

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LASKA SCHOENFELDER, Commissioner

