

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

**IN THE MATTER OF THE COMPLAINT FILED )  
BY BOBBIE BURNHAM, SIOUX FALLS, )  
SOUTH DAKOTA, AGAINST MCLEODUSA, )  
TELECOMMUNICATIONS SERVICES, INC. )  
REGARDING A DELAY IN THE INSTALLATION )  
OF SERVICES )**

**ORDER FINDING  
PROBABLE CAUSE AND  
NOTICE REQUIRING  
ANSWER  
  
CT00-048**

On March 6, 2000, the Public Utilities Commission (Commission) received a complaint filed by Bobbie Burnham, Sioux Falls, South Dakota, against McLeodUSA Telecommunications Services, Inc. (McLeod) regarding a delay in the installation of services. The complainant alleges that her phone service was ordered on 1/4/00 and not connected after two months due to delays caused by home address errors, U S WEST switch upgrades and phone box repairs inside and outside of the house. She feels that two months is unacceptable and that McLeod's failure to follow through with scheduled dates of installation has caused emotional distress and she is requesting to be credited and awarded for inconvenience and stress.

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 March 28, 2000, at a duly noticed meeting, 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, 49-13, 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. 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 and McLeod shall satisfy the complaint or file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 31<sup>st</sup> day of March, 2000.

<p><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>Alaine Kalbs</i></u></p> <p>Date: <u>4/3/00</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