BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED BY ANNA MARIE KNOPF, SIOUX FALLS, SOUTH DAKOTA, AGAINST MIDCO COMMUNICATIONS, INC. D/B/A MIDCONTINENT COMMUNICATIONS, INC. REGARDING UNAUTHORIZED SWITCHING OF SERVICES	)	**ORDER FOR AND NOTICE OF HEARING** **CT00-061**

On April 14, 2000, the Public Utilities Commission (Commission) received a complaint filed by Anna Marie Knopf, Sioux Falls, South Dakota (Complainant), against Midco Communications, Inc. d/b/a Midcontinent Communications, Inc. (Midco) regarding unauthorized switching of services.

On April 17, 2000, the complaint was faxed to Midco. Pursuant to ARSD 20:10:01:09, Midco was notified that it must satisfy the complaint or file an answer in writing with the Commission by May 8, 2000. On May 1, 2000, the Commission received a response to complaint from Midco.

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.

A hearing shall be held on July 12, 2000, in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota, immediately following the hearing for Docket CT00-065, which is scheduled to begin at 1:30 P.M. All persons testifying will be subject to cross-examination by the parties.

The issues at the hearing are whether Midco committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission shall determine whether Midco committed an unlawful or unreasonable

act, rate, practice, or omission and, if so, order any appropriate relief. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED that a hearing shall be held at the time and place specified above on the issues of whether Midco committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 23rd day of June, 2000.

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: Delaine Kolbo

Date: 6/23/00

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg

JAMES A. BURG, Chairman

Pam Nelson

PAM NELSON, Commissioner

Laska Schoenfelder

LASKA SCHOENFELDER, Commissioner