

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER CANCELLING
BY MIKE MATTERN, ABERDEEN, SOUTH)	HEARING
DAKOTA, AGAINST MCLEODUSA)	
TELECOMMUNICATIONS SERVICES, INC.)	CT00-112
REGARDING POOR SERVICE)	

On December 6, 2000, the Public Utilities Commission (Commission) received a complaint filed by Mike Mattern, Aberdeen, South Dakota (Complainant), against McLeodUSA Telecommunications Services, Inc. (McLeod) regarding poor service

On December 6, 2000, 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 December 26, 2000. On December 22, 2000, the Commission received an answer and motion to dismiss from McLeod.

On January 9, 2001, the Commission received a letter from Complainant requesting that Qwest Corporation (Qwest) be added to his complaint. On January 17, 2001, at a regularly scheduled meeting, the Commission considered this request. The Complainant stated he did not have a problem with Qwest, he just wanted some information from Qwest. Qwest's representative stated Qwest would provide the information through a subpoena. The Commission voted to deny the request to add Qwest as a party (Pam Nelson, dissenting).

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, and ARSD Chapters 20:10:01 and 20:10:33.

By order dated April 17, 2001, a hearing was scheduled for May 31, 2001, beginning at 8:30 A.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. On April 19, 2001, the Commission received a Motion to Join Qwest as a Party from McLeod, so therefore the hearing is cancelled. It is therefore

ORDERED, that the hearing scheduled for May 31, 2001, is cancelled and a new hearing shall be set at a later time.

Dated at Pierre, South Dakota, this 23rd day of April, 2001.

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: *Belinda Kalbs*

Date: *4/23/01*

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner