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SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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April 14, 2008

Ms. Patricia Van Gerpen
Public Utilities Commission
500 E. Capitol
Pierre, SD 57501

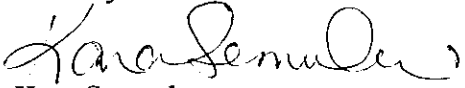
Re: Roger Hall Formal Complaint

Dear Ms. Van Gerpen:

On November 20, 2007 Mr. Rodger Hall informally sent information to the PUC regarding a dispute with Qwest. The dispute has not been resolved and on April 14, 2008 he asked that his November 20 letter be considered a formal complaint.

Please docket the attached information as a formal consumer complaint.

Thank you.


Kara Semmler

cc. Rodger Hall, 2107 Westgate Pl, Rapid City, SD 57702

RECEIVED

DEC 11 2007

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

November 20, 2007

PUBLIC UTILITIES COMMISSION
Capitol Building, 1st Floor
500 East Capitol Avenue
Pierre, SD 57501-5070

RE: Consumer Complaint – Qwest Service, Hill City

Commission Members:

Qwest has not fulfilled their obligation to provide service to new single-family residences in my mobile court located in Hill City as required by law. They currently provide service to 17 of the 21 mobile homes and 2 houses on the property establishing the precedence for service.

Qwest is a monopoly in Hill City; there are no other telephone options available. Right now there are four mobile homes (single family residences) without telephone service because Qwest will not meet their obligation.

I own a small mobile home court in the Southeast corner of Hill City. See attached exhibit for the location, note that the court is well within the city limits of Hill City. Earlier this year I decided to add new sites to the existing court and provide much needed low-income housing in Hill City.

I initially notified Qwest in April, a courtesy, notifying them I was adding 4 sites and there would be a trench open in which they could lay their cable. A detail summary of events is attached.

Qwest has used terms like MPOP (minimum point of presence), and Campus Environment, and as a result I have done a great deal of research in to terms and the South Dakota Administrative Rules regarding telephone service. Fundamentally, they have classified mobile home courts as a campus environment and their definition, from their web site, of a campus environment is:

“Campus Arrangement: on a campus, industrial park, or in a multi-building apartment or business complex, the MPOP is normally in the first building where Company network services are terminated.”

As is commonly known: the telephone company is responsible for the line to the box on the house. Any wiring inside the house is the responsibility of the homeowner. As mobile homes are households as defined by the South Dakota Administrative Rules and

by Qwest definition become **Single Residential Dwellings** where the service interface point is located on an exterior wall of the residential structure. The detailed definitions and research is attached.

The South Dakota Administrative rules state:

- **20:10:33:13. Provisioning of adequate and reliable facilities.** Each local exchange company shall employ prudent management planning practices, including budgeting and prioritization of resource utilization, so that adequate and reliable facilities are in place to supply service to *prospective customers* in its service territory within a reasonable period of time as determined by the commission.

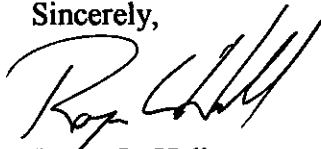
This would clearly mandate that Qwest has an obligation to provide adequate facilities to support growth within an area. As noted in the summary of events the regional manager for Qwest stated that because I am the last person to develop the cost of upgrading their system must be borne by me or more specifically, my tenants. Furthermore, I am not the customer.

Relief Requested

I am asking that Qwest service their customers at their cost.

I affirm that the information provided herein is accurate to the best of my knowledge.

Sincerely,



Roger L. Hall

2107 Westgate Place
Rapid City, SD 57702

(605) 719-9411

RE: Consumer Complaint – Qwest Service, Hill City
Roger L. Hall

Summary of Events

In April of this year I contacted Qwest, as a courtesy, notifying them I was adding 4 sites and there would be a trench to lay their cable in.

In May 2007 Ian Tromp, the local Qwest Engineer, met with me in Rapid City to get the details and stated he would have to calculate the cost, I stated there should not be a cost because of cost benefit and that the services were previously provided at not cost.

Ian called me back and stated the system did not have capacity and there will have to be system improvements “back into town”. At this point I became confused and began to think he had the wrong location. The property is in town and the pedestal is less than 3000 feet from the main switch building.

I asked Ian to visit the site so he could become familiar with the location. On June 11th, 2007 he came back with the attached sheet and stated that since Qwest had already provided service to the property all future improvements are at my cost.

- a. He showed on his map where the first five mobile homes are served. See attached exhibit.
- b. On the map he had scribbled some information on costs. A large portion of which was for system improvements “back into town”.
- c. When I asked him how the two houses on the property are served, he did not know.
- d. When I asked him how the twelve other trailers on the property were served, he did not know.
- e. He was unaware of the overhead lines that border two sides of the property. One of which literally crosses over one of the mobile homes on the Northeast corner of the property (Bishop Mountain Line)
- f. He told me if I wanted to find the services for the houses and the other mobile homes it was my responsibility.
- g. When I asked him if it would be cheaper to come off the overhead line on the east side of the property he said “no”. I asked him how did he know – for a few minutes ago he did not even know the line existed. And if he did not know it was there how did he know the capacity of the line.
- h. Five times he stated that there is “a regulation” stating that they had met their obligation by providing service to the property. I asked if he had a copy of the regulation for me to read – he said no and admitted that he had not read the regulation himself. He further stated he did not have the regulation, I asked if he could get a copy for me. He said his boss didn’t even have the regulation and I would have to contact the PUC for a copy of the regulation.
- i. He did not provide a breakdown of costs.

He stated that he did not have to complete a cost benefit analysis. The other utility company in the court did this and it proved beneficial to provide service. It seems to me that as the sole provider in Hill City it would be beneficial to provide four services to an area where by even the greatest stretch of the imagination you would normally have one. Do the math, 4 services at \$50/month = \$2,400 per year, so in less than 3 years you have a return on the investment.

Furthermore, two developments competed recently:

- a. In Hill City, a development on the Northwest corner of town adding 80 home sites was not charged for service. (Homes valued at over \$250,000)
- b. Rapid City, a development of 9 home sites was not charged (Lots starting at \$250,000).
- c.

We are trying to provide low-income housing and when it costs in excess of \$2000 per home site for telephone service this is not possible.

I called the PUC, they fundamentally supported the Qwest position – after the first call all that happened was that they called Qwest and told me what had happened to date – I knew that – I was there.

The PUC customer service rep held the Qwest party line and then said she would have a technician call me – this was told to me twice. Twice I called back and twice the technician was unavailable. Makes me wonder - am I in the right.

The PUC, Deb Gregg, told me she would have a PUC Attorney return my call with the detailed information on the law that I needed, that was followed by a call from the Customer service manager who went over the same information as before and said the regional Qwest manager would call me.

On September 27th, Dan Kaiser, regional Qwest Manager called after being requested by PUC to call me. Asks if I am Roger Hall, and then calls me Ron through the entire phone conversation and repeats the same company line as Ian stated on requirement. He also stated the Bishop Mountain line does not have capacity. Talks about the MPOP (minimum point of presence) once again service “back into town”. Dan stated that they consider a mobile home court a campus environment. A term usually reserved for building complexes, or apartments.

I asked Dan why the last guy to request service had to pay, i.e. lots have been developed north, east, south, and west of the property, now the system is full and I am stuck with the bill. He said that’s just the way it is.

Dan also asked if I could wait until November to meet with him in Hill City – I said I could, as there did not seem to be any urgency to solve the problem. Follow up Dan did not call or meet with me when he was in Hill City in November to conduct the launch of broadband service.

On October 3rd and again in the beginning of November Ian Tromp called wanting to meet – at the time I was extremely busy. I work and live in Rapid City, in order to meet with Qwest in Hill City I would have to take a ½ a day off. I am not willing to waste my time to review the same material again and again.

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 Roger L. Hall

Research

Qwest has used terms like MPOP (minimum point of presence), and Campus Environment, and as a result I have done a great deal of research in to terms and the South Dakota Administrative Rules regarding telephone service. Qwest definitions (from their web site):

MPOP	Minimum Point of Presence	<ul style="list-style-type: none"> • The first location where the dial tone is available in the customer's building. • In most residence and small business situations, the MPOP and the first Network Interface are in the same spot. If MPOP and NI are separate, most tariffs require that the NI must be no more than 12" from the MPOP. • "House" cable and inside wiring in each unit belong to the building, not Qwest. Therefore, the landlord or building owner owns all cable and wire past the MPOP in each building and all cable between buildings on the customer's property. If they request that Qwest work on this cable or wire, Qwest will bill them for this work. • MPOP Locations: <ul style="list-style-type: none"> ○ Single Residential Dwellings: the service interface point is located on an exterior wall of the residential structure. ○ Single Business Locations: the service interface point is located on an interior wall of the business structure. ○ Condominiums: the service interface point will be located at each building. ○ Multi-Tenant Buildings: the MPOP is usually a single location or utility closet where regulated facilities enter the building. Beyond the MPOP, there may be multiple Network Interfaces (NIs) serving different apartments, suites, or floors. ○ Campus Arrangement: on a campus, industrial park, or in a multi-building apartment or business complex, the MPOP is normally in the first building where Company network services are terminated.
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As is commonly known: the telephone company is responsible for the line to the box on the house. Any wiring inside the house is the responsibility of the homeowner. As mobile homes are households as defined by the South Dakota Administrative Rules and by Qwest definition become **Single Residential Dwellings** where the service interface point is located on an exterior wall of the residential structure.

Further research in to the SD Administrative rules such as:

- **20:10:33:02. Level of service provided by local exchange companies.** A local exchange company shall furnish and maintain adequate and reliable plant, equipment, and facilities to provide satisfactory transmission and reception of telecommunications services among users in its service area.
- **20:10:33:13. Provisioning of adequate and reliable facilities.** Each local exchange company shall employ prudent management planning practices, including budgeting and prioritization of resource utilization, so that adequate and reliable facilities are in place to supply service to *prospective customers* in its service territory within a reasonable period of time as determined by the commission.
- **20:10:05:03. Definitions.** Terms defined in SDCL 49-31-1 have the same meaning in chapters 20:10:05 to 20:10:10, inclusive. In addition, terms used in chapters 20:10:05 to 20:10:10, inclusive, and SDCL chapter 49-31 mean:
 - (2) "Applicant," one who is applying for telecommunications service;
 - (9) "Household," a family or a group of people who live together in a dwelling;
 - (11) "Subscriber," one who is currently receiving telecommunications service;

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