

TC 98-121

KJ/LH/21

TC98-121

DOCKET NO. _____

In the Matter of _____

IN THE MATTER OF THE COMPLAINT
 FILED BY DOUGLAS G. PETTIGREW,
 WETONKA, SOUTH DAKOTA,
 AGAINST U S WEST
 COMMUNICATIONS, INC. REGARDING
 SERVICE PROBLEMS

Public Utilities Commission of the State of South Dakota

DATE

MEMORANDA

DATE	MEMORANDA
6/22 98	Received;
6/25 98	Rechecked;
6/25 98	TC Had Filing;
7/9 98	Order Finding Probable Cause;
11/9 98	Order Closing Docket;
11/9 98	Docket Closed

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA
500 E Capitol, State Capitol Building, Pierre SD 57501

COMPLAINT

TC98-121

RECEIVED

JUN 22 1998

Complainant(s): (Persons filing the complaint)		Respondent: (Persons or Company complained against)	
Name	Douglas G. Pettigrew	Contact Person	
Address	12790 369th Avenue	Company	US West Communications
City, State, Zip	Wetonka, SD 57481	Address	PO Box 737
Home Phone	605-229-4372	City, State, Zip	Des Moines, IA 50338-0001
Work Phone	605-229-4372	Work Phone	800-244-1111
Cellular Phone	380-1472	Cellular Phone	
Fax #	605-229-4372	Fax #	

If the Complainant is represented by an attorney, please list the attorney's name, address, telephone number and fax number below. (If Complainant is not represented by an attorney, please leave blank.)

These are the facts giving rise to my complaint:

For years we have had problems with loss of service for hours to days in duration. The lack of service often had to wait over the weekend after being reported to be repaired. Disruption of service occurs throughout the year but most often during the winter months or during stormy weather.

In October 1997, we purchased a FAX machine for personal and business use. On some occasions faxes are sent without problem. At least 50-60% of the time, we are unable to send a fax due to "line error." On some occasions, we try 3-4 times before a message is faxed and on other occasions, we may have to wait a period of time before attempting again.

From reports from our neighbors, our area is unable to successfully have the Caller-ID feature. This is something we would like to obtain but are unable due to the problems.

In addition, we would like to purchase another computer in the future and have access to E-mail and the Internet. But again, this service is not possible for phone customers in our area.

Our telephone service provider has been lacking for years in just providing basic, dependable, consistent service. We are paying for services we do not receive and, in addition, do not have the capability of receiving services or features that practically all subscribers have.

NOTE: Please attach additional pages, if necessary, to explain your situation. Also enclose copies of any bills or other documents which may pertain to your complaint.

RESOLUTION REQUEST

I ask that the Public Utilities Commission grant the following relief. (What do you think the Commission should do to solve this problem?)

I feel US West Communications needs to replace the archaic system in our area as soon as possible to meet basic and future needs. We have paid for a service for years which we are not receiving and which is not meeting the subscribers needs. Moreover, repeated problems have not been solved--only fixed temporarily.

NOTE: Please attach any additional pages, if necessary.

VERIFICATION

Complainant's signature must be witnessed by a notary public.

Douglas Pettigrew
Complainant's Signature

6-18-98
Date

State of South Dakota

County of Brown

On this 18th day of June, 1998.

before me personally came and appeared Douglas Pettigrew known to me to be the individual described herein and who executed the foregoing instrument, and who duly acknowledged to me that he/she executed same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Don Lorenzen
Signature of Notary Public

DOAN LORENZEN
SEAL, NOTARY PUBLIC SEAL
SOUTH DAKOTA

(SEAL)

My commission expires: 9-9-2002

South Dakota
Public Utilities Commission
State Capitol 500 E. Capitol
Pierre, SD 57501-5070
Phone: (605) 773-3705
Fax: (605) 773-3809

TELECOMMUNICATIONS SERVICE FILINGS

These are the telecommunications service filings that the Commission has received for the period of:

06/19/98 through 06/25/98

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five days of this filing.

DOCKET NUMBER	TITLE/STAFF/SYNOPSIS	DATE FILED	INTERVENTION DEADLINE
REQUEST FOR CERTIFICATE OF AUTHORITY			
TC98-118	Application by Colorado River Communications Corporation d/b/a CRC Long Distance for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/EM) "Applicant proposes to offer switched and dedicated access '1 plus' long distance telecommunications services suitable for voice and limited data applications in the state of South Dakota. The applicant also proposes to offer '0 plus' alternative operator services. The applicant also proposes to offer prepaid calling card services. Advance payments are not required by the applicant."	06/22/98	07/10/98
TC98-119	Application by Eagle Telecom, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: DJ/KC) "Applicant is a reseller which intends to offer 1+ direct dialing, 800/888 toll free, travel card and prepaid calling card service through the resale of telephone services provided by facilities-based interexchange carriers."	06/22/98	07/10/98
TC98-120	Application by HJN Telecom, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: HB/CH) "Applicant is a reseller which intends to offer 1+ direct dialing, 800 toll free, and travel card service through the resale of telephone services provided by facilities-based interexchange carriers."	06/22/98	07/10/98
FORMAL COMPLAINT FILED			
TC98-121	Douglas G. Pettigrew vs U S WEST Communications, Inc. (Staff: LH/KC) "For years we have had problems with loss of service for hours to days in duration. The lack of service often had to wait over the weekend after being reported to be repaired. Disruption of service occurs throughout the year but most often during the winter months or during stormy weather. In October 1997, we purchased a FAX machine for personal and business use. On some occasions faxes are sent without problem. At least 50-60% of the time, we are unable to send a fax due to 'line error'. On some occasions, we try 3-4 times before a message is faxed and on other occasions, we may have to wait a period of time before attempting again. From reports from our neighbors, our area is unable to successfully have the Caller-ID feature. This is something we would like to obtain but are unable due to the problems. In addition, we would like to purchase another computer in the future and have access to E-mail and the internet. But again, this service is not possible for phone customers in our area. Our telephone service provider has been lacking for years in just providing basic, dependable, consistent service. We are paying for services we do not receive and, in addition, do not have the capability of receiving services or features that practically all subscribers have." The complainant requested the following relief: "I feel U S WEST Communications needs to replace the archaic system in our area as soon as possible to meet basic and future needs. We have paid for a service for years which we are not receiving and which is not meeting the subscribers' needs. Moreover, repeated problems have not been solved—only fixed temporarily."	06/22/98	NA

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FINDING)
BY DOUGLAS G. PETTIGREW, WETONKA,)	PROBABLE CAUSE)
SOUTH DAKOTA, AGAINST U S WEST)	
COMMUNICATIONS, INC. REGARDING)	TC98-121)
SERVICE PROBLEMS)	

On June 22, 1998, the Public Utilities Commission (Commission) received a complaint filed by Douglas G. Pettigrew, Wetonka, South Dakota, against U S WEST Communications, Inc (U S WEST). Mr. Pettigrew stated, "For years we have had problems with loss of service for hours to days in duration. The lack of service often had to wait over the weekend after being reported to be repaired. Disruption of service occurs throughout the year but most often during the winter months or during stormy weather. In October 1997, we purchased a FAX machine for personal and business use. On some occasions faxes are sent without problem. At least 50-60% of the time, we are unable to send a fax due to 'line error'. On some occasions, we try 3-4 times before a message is faxed and on other occasions, we may have to wait a period of time before attempting again. From reports from our neighbors, our area is unable to successfully have the Caller ID feature. This is something we would like to obtain but are unable due to the problems. In addition, we would like to purchase another computer in the future and have access to E-mail and the Internet. But again, this service is not possible for phone customers in our area. Our telephone service provider has been lacking for years in just providing basic, dependable, consistent service. We are paying for services we do not receive and, in addition, do not have the capability of receiving services or features that practically all subscribers have." The complainant requested the following relief: "I feel U S WEST Communications needs to replace the archaic system in our area as soon as possible to meet basic and future needs. We have paid for a service for years which we are not receiving and which is not meeting the subscribers needs. Moreover, repeated problems have not been solved--only fixed temporarily."

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 June 30, 1998, at a duly noticed meeting, Mr. Pettigrew presented his position to the Commission. US WEST stated that the problem area that Mr. Pettigrew complained of was scheduled to be updated by the end of the construction season.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and 49-31, including 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, 49-31-60 through 49-31-68, inclusive, and ARSD 20:10:01:07:01 through

20:10:01:15:01, inclusive. The Commission voted unanimously to find probable cause. However, since U S WEST has stated that the facilities that serve Mr. Pettigrew will be updated this year, the Commission will defer any action on the complaint at this time. 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. The Commission does not require U S WEST to file its answer in this matter at this time.

Dated at Pierre, South Dakota, this 9th day of July, 1998.

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:	<u><i>Nelson</i></u>
Date:	<u>7/10/98</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

U S WEST Communications
125 South Dakota Avenue 8th Floor
Sous Falls, South Dakota 57194
Phone 605 339-5411
Fax 605 339-5390

Larry W. Toll
Vice President - South Dakota
Public Policy

USWEST

October 15, 1998

RECEIVED

OCT 13 1998

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

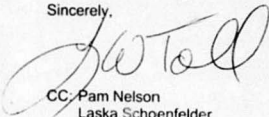
Mr. William Bullard, Executive Director
Public Utilities Commission
State Capitol Building
Pierre, South Dakota 57501

Dear Mr. Bullard:

This letter is to inform the Commission that the Mina Lake project has been completed as of this date. All customers have been cut over to the new system.

If you have any questions, please call me at 605-339-5411.

Sincerely,



CC: Pam Nelson
Laska Schoenfelder
Jim Burg

*This also includes
TC 98-121 per
Larry Toll.*

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

IN THE MATTER OF THE COMPLAINT FILED)
BY DOUGLAS G. PETTIGREW, WETONKA,)
SOUTH DAKOTA, AGAINST U S WEST)
COMMUNICATIONS, INC. REGARDING)
SERVICE PROBLEMS)

ORDER CLOSING DOCKET
TC98-121

On June 22, 1998, the Public Utilities Commission (Commission) received a complaint filed by Douglas G. Pettigrew, Wetonka, South Dakota, against U S WEST Communications, Inc. (U S WEST). Mr. Pettigrew stated, "For years we have had problems with loss of service for hours to days in duration. The lack of service often had to wait over the weekend after being reported to be repaired. Disruption of service occurs throughout the year but most often during the winter months or during stormy weather. In October 1997, we purchased a FAX machine for personal and business use. On some occasions faxes are sent without problem. At least 50-60% of the time, we are unable to send a fax due to 'line error.' On some occasions, we try 3-4 times before a message is faxed and on other occasions, we may have to wait a period of time before attempting again. From reports from our neighbors, our area is unable to successfully have the Caller ID feature. This is something we would like to obtain but are unable due to the problems. In addition, we would like to purchase another computer in the future and have access to E-mail and the Internet. But again, this service is not possible for phone customers in our area. Our telephone service provider has been lacking for years in just providing basic, dependable, consistent service. We are paying for services we do not receive and, in addition, do not have the capability of receiving services or features that practically all subscribers have." The complainant requested the following relief: "I feel U S WEST Communications needs to replace the archaic system in our area as soon as possible to meet basic and future needs. We have paid for a service for years which we are not receiving and which is not meeting the subscribers needs. Moreover, repeated problems have not been solved--only fixed temporarily."

On June 30, 1998, at a duly noticed meeting, Mr. Pettigrew presented his position to the Commission. U S WEST stated that the problem area that Mr. Pettigrew complained of was scheduled to be updated by the end of the construction season. The Commission voted unanimously to find probable cause. As U S WEST stated that the facilities that serve Mr. Pettigrew will be updated this year, the Commission deferred any action on the complaint at the time. By letter dated October 15, 1998, U S WEST informed the Commission that the Mina Lake project had been completed and all the customers were cut over to the new system. At its regularly scheduled November 3, 1998, meeting, the Commission voted to close the docket as the facilities update had been completed.

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, 49-31-10, 49-31-11, 49-31-38,

49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-60 through 49-31-68, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive. It is therefore

ORDERED, that the docket is hereby closed.

Dated at Pierre, South Dakota, this 9th day of November, 1998.

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 Aldine Kalbo

Date 11/10/98

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner