

TC98-124

K3/SW

TC98-124

DOCKET NO. _____

In the Matter of _____

IN THE MATTER OF THE COMPLAINT
FILED BY DON MALSOM AND JENNY
MALSOM, MINA, SOUTH DAKOTA,
AGAINST U S WEST
COMMUNICATIONS, INC. REGARDING
UPDATING LINES

Public Utilities Commission of the State of South Dakota

| DATE | MEMORANDA |
|---------|-------------------------------|
| 6/29 98 | Filed and Docketed; |
| 7/2 98 | TC Filing; |
| 8/5 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

TC98-124
RECEIVED

JUN 29 1998

COMPLAINT

| Complainant(s): (Persons filing the complaint) | Respondent(s): (Persons or Company complained against) |
|---|---|
| Name <u>Don Jenny Malcolm</u> | Contact Person <u>US West</u> |
| Address <u>36187 130th St</u> | Company |
| City, State, Zip <u>Pierre SD 57462</u> | Address |
| Home Phone | City, State, Zip |
| Work Phone <u>605-225-2506</u> | Work Phone |
| Cellular Phone | Cellular Phone |
| Fax # | 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:

^{Sept, 1988}
We go back at least 10 years when our phone service indicate we dialed 911 - we heard the sheriff & deputy come to our farm the deputy then in access of 90mph on gravel farm roads. He said, "I assumed someone must be on an arson, if we dialed 911 the sheriff was really nasty & entirely blamed our children & write the PUC & reach to the rest of the info on that."

Also the late summer of 1988 or 1989 our neighbors machine shed was on fire. They went to the field to get Val Malbon & stopped here & said "Call the Nuttates for water, the machine shed is burning. A man in the use the phone our life was completely dead."

Down through the years it was a constant battle. We never knew when we'd have a phone so I know US West got pretty disgusted with us. Father & I called a report the phone being out the repair office would say we weren't cooperating, the repair man was there, they couldn't gain access.

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?)

We are told we need new telephone lines - our equipment is too outdated - we request modern equipment like all other areas.

NOTE: Please attach any additional pages, if necessary.

VERIFICATION

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

Jenny Malcolm June 25, 1998
Complainant's Signature Date

State of South Dakota)
County of Brown)

On this 25th day of June, 1998.

before me personally came and appeared Jenny Malcolm 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.

Jonda L. Faeth
Signature of Notary Public

(SEAL)

My commission expires: 8-13-98

these were
Untrue
excuses

→ to our yard, dog bothered. We
don't even own a dog.

In Dec 1997 we had terrible
noise on our line, when the
repair man came to our home
he gave me a very dirty look &
grumbled there was no noise. I
just never bothered to call
again. I felt then I was just
getting blamed.

I wrote the PUC last summer
in regard to all the noise on
our line & what the info was
on Caller ID. U.S. West told
us if we could get ~~number~~ a
last call return with *69 we
would be eligible for caller
ID. We have 2 caller ID
boxes but are told they can't
be activated. If we have
called on 30 different occasions
on Caller ID we have also
received 30 different answers.
This time the PUC did not
answer my letter.

Our last fling was
May 16th, 1998. About 2:30 AM our
phone rang twice - No one there - I

The dispatcher had
called three times
to verify if there was
an emergency

went back to bed. At 2:37^{AM}
our phone rang again. No
one there. I pressed *69 both
times & got 605-426-6003.
Sheriff office Edmunds Co.

Again their records showed
we had called 911. I verified
this Sat. at 1:37 pm - May 16, 1998.

That wraps up our
complaint

Jenny Malsom
36787 130th St
Mine SD 57462

Oh 605-235-2506

Thurs June 25th

We now have something
new affecting our telephone

June 16 & 17th a fax machine
made terrible noise on our phone
& now today a gal had called
& she said like a fax machine
always answered the phone
she couldn't get thru to us

Just one more complaint
I guess. ☹



Public Utilities Commission
State of South Dakota
500 East Capitol
Pierre, South Dakota 57501

Commissioners
Dennis Espnach
Kenneth Stuffermann
Jim Burg

Executive Director
Mary Vanderpan
(605) 773-3201

September 27, 1988

Mrs. Don Malsom
Box 301
Mina, South Dakota 57462

Dear Mrs. Malsom:

In response to your letter of last week we have talked to USWEST Communications to verify your telephone repair problem of September 17, 1988.

USWEST replaced a 917 the day your telephone service was out the second time (September 17, 1988). The problem was located and corrected with a multiple shelf housing, which houses cards for the carrier system.

USWEST is notifying Sheriff Olson to verify your telephone problem in that a call to 911 to Aberdeen could not have come from your residence on the day in question. The company thinks the telephone problem has been repaired, so such an coincidental occurrence should not be repeated.

We can appreciate your desire and intent to clarify this matter.

Sincerely,

Della M. Andre
DELLA M. ANDRE
Consumer Representative

cc: Diana Miller, USWEST
Sheriff Mike Olson, Edmunds County

*This should have
been sent with
our formal complaint
sent to 26-98.*



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:

06/26/98 through 07/02/98

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 | | | |
| TC98-122 | Application by ST Long Distance, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: DJ/EM) "The Applicant proposes to resell Message Toll Service, inbound Wide Area Telecommunications Service (800/888) and calling card services." | 06/29/98 | 07/17/98 |
| FORMAL COMPLAINT FILED | | | |
| TC98-123 | Susan Schamber vs DTG Internet Services. "We have been internet customers of DTG since Feb. 11, 1998. We had very good service until the end of March. At that time our internet began cutting out on us approximately every 2 minutes. DTG has record of how long our connection times were. We have made numerous calls to both DTG and our phone company, Golden West, trying to find out what the problem is and getting it resolved. Golden West tells me DTG has new modems and these modems can't keep up with the demand and DTG says they've had the modems since November with no problems until this time." What do you think the Commission should do to solve this problem? "We would like to know who is disconnecting our internet. We aren't getting straight answers. DTG should also quit advertising the \$14.95 unlimited rate if they can't give that service. I also want our bill credited since we are not receiving adequate service." (Staff: SW/CH) | 06/09/98 | |
| TC98-124 | Don and Jenny Maisom vs U S WEST Communications. The problem with the telephone line goes "back at least 10" years. The sheriff's office receives 911 calls from their location when none were dialed, noise on the line is reported to U S WEST and when the repairman checks the line it is okay, Caller ID does not work, and calls can not "get thru to us." What do you think the Commission should do to solve this problem? "We are told we need new telephone lines - our equipment is too outdated - we request modern equipment like all others are on." (Staff: SW/KC) | 06/29/98 | |
| NONCOMPETITIVE TELECOMMUNICATIONS FILING | | | |
| TC98-125 | U S WEST Communications filed "to remove the availability of three digit Carrier Identification Codes (CICs) from the Access Services Tariff per the Federal Communications Commission's order in Docket CC92-237. Effective July 1, 1998, only four digit CICs, 10XXXX and 101XXXX dialing patterns will be permitted." (Staff: HB/EM) | 07/01/98 | 07/17/98 |
| APPLICATION FOR REHEARING | | | |

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED)
BY DON AND JENNY MALSOM, MINA, SOUTH) ORDER FINDING
DAKOTA, AGAINST U S WEST) PROBABLE CAUSE
COMMUNICATIONS, INC. REGARDING)
UPDATING LINES) TC98-124

On June 29, 1998, the Public Utilities Commission (Commission) received a complaint filed by Don and Jenny Malsom, Mina, South Dakota, against U S WEST Communications, Inc. (U S WEST). The complainants state that their problems go back at least 10 years. The sheriff's office receives 911 calls from their location when none were dialed, noise on the line is reported to U S WEST and when the repairman checks the line it is okay, Caller ID does not work, and calls cannot get through to them. The complainants requested the following relief: "We are told we need new telephone lines - our equipment is too outdated - we request modern equipment like all other areas."

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 July 23, 1998, at a duly noticed meeting, Colleen Sevold, a representative of U S WEST stated that the problem area that the Malsoms complained of was scheduled to be updated by the end of the 1998 construction season.

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. The Commission voted unanimously to find probable cause. However, since U S WEST has stated that the facilities that serve the Malsoms will be updated this year, the Commission will defer any action on the complaint until October 31, 1998. 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 5th day of August, 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>Milaine Kells</u> |
| Date | <u>8/6/98</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

September 9, 1998

William Bullard, Jr., Executive Director
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501

VIA FACSIMILE - 605-773-3809

Re: Hofer Complaint (TC97-178)
Mina Complaints (TC Nos. 98-124, 98-128, 98-129, 98-130, 98-133)

Dear Mr. Bullard:

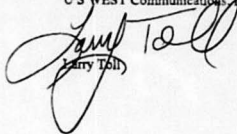
The purpose of this letter is to advise the Commission as to the anticipated completion date of above construction projects and to request that the Commission extend the completion date of the Hofer project accordingly.

U S WEST is currently concentrating on a backlog of repair and installation jobs which occurred as a result of the work stoppage involving U S WEST occupational employees. U S WEST nevertheless anticipates completing the Hofer project by the end of this month and requests that the Commission enter an order establishing a September 30th completion date.

Due to the work stoppage and recovery therefrom, U S WEST does not know whether it be able to complete the Mina Lake project by October 31st. We are working as expeditiously as possible on the Mina Lake project and will keep the Commission advised as to the completion of major project milestones.

Sincerely yours,

U S WEST Communications, Inc.



Larry Toll

U S WEST Communications
125 South Dakota Avenue 8th Floor
Sioux 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

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OCT 19 1998

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

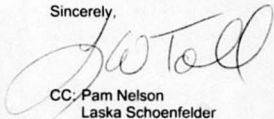
Mr. William Bullard, Executive Director
Public Utilities Commission
State Capitol Building
Pierre, South Dakota 57501

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED) ORDER CLOSING DOCKET
BY DON AND JENNY MALSOM, MINA, SOUTH)
DAKOTA, AGAINST U S WEST) TC98-124
COMMUNICATIONS, INC. REGARDING)
UPDATING LINES)

On June 29, 1998, the Public Utilities Commission (Commission) received a complaint filed by Don and Jenny Malsom, Mina, South Dakota, against U S WEST Communications, Inc. (U S WEST). The complainants state that their problems go back at least 10 years. The sheriff's office receives 911 calls from their location when none were dialed, noise on the line is reported to U S WEST and when the repairman checks the line it is okay. Caller ID does not work, and calls cannot get through to them. The complainants requested the following relief: "We are told we need new telephone lines - our equipment is too outdated - we request modern equipment like all other areas."

Pursuant to ARSD 20:10:01:06.01 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 July 23, 1998, at a duly noticed meeting, Colleen Sevoid, a representative of U S WEST stated that the problem area that the Malsoms complained of was scheduled to be updated by the end of the 1998 construction season. The Commission voted unanimously to find probable cause. As U S WEST stated that the facilities that serve the Malsoms will be updated this year, the Commission deferred any action on the complaint until October 31, 1998. 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 Delaine Keels

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

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

Larry W. Toll
Vice President - South Dakota
Public Policy

December 28, 1998

USWEST

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DEC 30 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 will serve as notification to the Commission that the new systems have been installed in the Mina Lake area and all customers served by the new systems have been cut over as of December 23, 1998.

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

Sincerely,

