

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

TC98-128

COMPLAINT

RECEIVED

Complainant(s): (Persons filing the complaint)		Respondent(s) (Persons or Company complained against)	
Name: Paul Malsam		Contact Person: [blank]	
Address: 36710 130th St		Company: U.S. West Communications	
City, State, Zip: Minn SD 57462		Address: [blank]	
Home Phone: 605-226-2040		City, State, Zip: [blank]	
Work Phone: Same		Work Phone: 1-800-879-4357	
Cellular Phone: [blank]		Cellular Phone: [blank]	
Fax #: [blank]		Fax #: [blank]	

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:

My complaint is toward U.S. West Communications. I am no longer a customer of U.S. West. My telephone service is with Mosaic USA. The problem is Mosaic USA just rents the telephone line from U.S. West. U.S. West does all of the repairs and service work on the lines & switch boards.

My problems have been occurring for approximately ten years. My phone is out of service quite often & last time service almost after a month. The nature seems to be the biggest problem when the phone is out, it usually is late days before service is restored. Recently my phone went out once then again. When you pick up the phone, nobody is there. This occurs sometimes after during the day or night. My phone almost always has some static on the background. I am an internet customer also. When the static is high, I cannot connect. Also the static disconnects me quite often. Also, the internet is very important to my business. When the internet is disrupted by storms and weather conditions, I am also concerned about what would happen in case of a farm accident or emergency. We live 25 miles from the nearest hospital. If our phone is out, we have no way to contact emergency help. Usually when our phone is out, the weather is also out of service.

(See attached page)

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 think U.S. West should update our phone system. Whatever it takes to solve our phone problems and make it more reliable. Replacing new lines and switch boards. Systems are still on an old party line type system.

NOTE: Please attach any additional pages, if necessary.

VERIFICATION

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

Paul Malsam July 2, 1998
Complainant's Signature Date

State of South Dakota)
County of Brown)

On this 2 day of July, 1998.

before me personally came and appeared Paul Malsam, 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.

LINDA L. BOBBY
SEAL NOTARY PUBLIC SEAL
SOUTH DAKOTA

My Commission expires 11-23-2002

Signature of Notary Public

(SEAL)
My commission expires: 11-23-2002

page 2.

From what I understand, my phone system is outdated. The lines insulation is also brittle and weathered. The system that I have is not capable of caller ID. I feel if other customers in our area can get that option, I should also be able to!

Thank-you for your attention in this matter.

RECEIVED

JUL 8 1988

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

F A X TRANSMISSION from Consumer Affairs

To: Colleen Sevold

Company: U S WEST

Fax Number: 8-605-339-5390

Date: 7/7/98

Time: 11:16:38

From: Leni Healy

Company: South Dakota PUC

Fax Number: 605 773 3809

Pages including cover page: 4

Message:

The following is a formal complaint from Paul Malsom. Commission policy allows a 48-hour period in which the parties may attempt an informal resolution.

If we are not informed of such a resolution by noon on July 9, 1998, the complaint will be docketed and scheduled for a probable cause hearing.

THIS COMMUNICATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any distribution, use or copying of this communication is prohibited.

South Dakota Public Utilities Commission

State Capitol Building; Pierre SD 57501

Telephone: (605) 773-3201 Fax: (605) 773-3809

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:

07/03/98 through 07/09/98

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			
TC98-126	Application by Network Services, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/CH) "The Applicant proposes to offer 1+ and 101XXXX direct dialing, 800/888 inbound toll-free, and travel card service through the resale of telephone services provided by facilities-based interexchange carriers."	07/06/98	07/24/98
FORMAL COMPLAINT FILED			
TC98-127	In the Matter of the Complaint filed by Tel-Save, Inc., against U S WEST Communications, Inc., regarding Violation of Sections 201(b) and 202 of the Communications Act of 1934, as amended, and Violation of S.D. Codified Laws Section 49-31-11. (Staff: HB/KC) Tel-Save requests that the Commission order U S WEST to cease and desist from imposing unreasonable requirements on lifting of customer PIC freezes, requiring that U S WEST accept e-mailed requests to lift PIC freezes, both directly from end-user customers and as forwarded by TSI, and providing such other and further relief as the Commission deems necessary and appropriate.	07/06/98	
TC98-128	Paul Malsorn vs U S WEST Communications. "My complaint is toward U S WEST Communications. I am no longer a customer of U S WEST. My telephone service is with McLeodUSA. The problem is McLeodUSA just rents the telephone line from U S WEST. U S WEST does all of the repairs and service work on the lines and switch boards. My problems have been occurring for approximately ten years. My phone is out of service quite often. I lose my service almost once a month. Moisture seems to be the biggest problem. When the phone is out, it usually is two days before service is restored. Recently my phone will ring once, then stop. When you pick up the phone, nobody is there. This occurs sometimes often during the day or night. My phone almost always has some static in the background. I am an internet customer also. When the static is high, I cannot connect. Also the static disconnects me quite often. As a farmer, the internet is very important to my business. I use the internet to keep track of markets and weather conditions. I am also concerned about what would happen in case of a farm accident or an emergency. We live 25 miles from the nearest hospital. If our phone is out, we have no way to contact emergency help. Usually when our phone is out, the neighbors' is also out of service. From what I understand, my phone system is outdated. The lines' insulation is also brittle and weathered. The system that I have is not capable of caller ID. I feel if other customers in our area can get that option, I should also be able to." The complainant requested the following relief: "I think U S WEST should update our phone system. Whatever it takes to solve our phone problems and make it more reliable. Possibly new lines and new switching systems. We are still on an old party line type system." (Staff: LH/EM)	07/07/98	

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FINDING
BY PAUL MALSOM, MINA, SOUTH DAKOTA,)	PROBABLE CAUSE
AGAINST U S WEST COMMUNICATIONS, INC.)	
REGARDING UPDATING LINES)	TC98-128

On July 7, 1998, the Public Utilities Commission (Commission) received a complaint filed by Paul Malsom, Mina, South Dakota, against U S WEST Communications, Inc. (U S WEST). The complainant stated that his "complaint is toward U S WEST Communications. I am no longer a customer of U S WEST. My telephone service is with McLeodUSA. The problem is McLeodUSA just rents the telephone line from U S WEST. U S WEST does all of the repairs and service work on the lines and switch boards. My problems have been occurring for approximately ten years. My phone is out of service quite often. I lose my service almost once a month. Moisture seems to be the biggest problem. When the phone is out, it usually is two days before service is restored. Recently my phone will ring once, then stop. When you pick up the phone, nobody is there. This occurs sometimes often during the day or night. My phone almost always has some static in the background. I am an internet customer also. When the static is high, I cannot connect. Also the static disconnects me quite often. As a farmer, the internet is very important to my business. I use the internet to keep track of markets and weather conditions. I am also concerned about what would happen in case of a farm accident or an emergency. We live 25 miles from the nearest hospital. If our phone is out, we have no way to contact emergency help. Usually when our phone is out, the neighbors' is also out of service. From what I understand, my phone system is outdated. The lines' insulation is also brittle and weathered. The system that I have is not capable of caller ID. I feel if other customers in our area can get that option, I should also be able to." The complainant requested the following relief: "I think U S WEST should update our phone system. Whatever it takes to solve our phone problems and make it more reliable. Possibly new lines and new switching systems. We are still on an old party line type system."

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, U S WEST stated that the problem area that Mr. Malsom complained of was scheduled to be updated by October 31, 1998.

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 Mr. Malsom 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 Alaina Kaska

Date: 8/6/98

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

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:

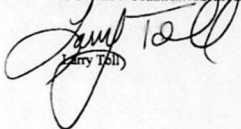
The purpose of this letter is to advise the Commission as to the anticipated completion date of above construction projects and to request that the Commission extend the completion date of the Hofer project accordingly.

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 57104
Phone 605-339-5411
Fax 605-339-5390

Larry W. Toll
Vice President - South Dakota
Public Policy

USWEST

October 15, 1998

RECEIVED

OCT 19 1998

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

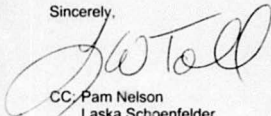
Mr. William Bullard, Executive Director
Public Utilities Commission
State Capitol Building
Pierre, South Dakota 57501

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 PAUL MALSOM, MINA, SOUTH DAKOTA,)
AGAINST U S WEST COMMUNICATIONS, INC.) TC98-128
REGARDING UPDATING LINES)**

On July 7, 1998, the Public Utilities Commission (Commission) received a complaint filed by Paul Malsom, Mina, South Dakota, against U S WEST Communications, Inc. (U S WEST). The complainant stated that his "complaint is toward U S WEST Communications. I am no longer a customer of U S WEST. My telephone service is with McLeodUSA. The problem is McLeodUSA just rents the telephone line from U S WEST. U S WEST does all of the repairs and service work on the lines and switch boards. My problems have been occurring for approximately ten years. My phone is out of service quite often. I lose my service almost once a month. Moisture seems to be the biggest problem. When the phone is out, it usually is two days before service is restored. Recently my phone will ring once, then stop. When you pick up the phone, nobody is there. This occurs sometimes often during the day or night. My phone almost always has some static in the background. I am an internet customer also. When the static is high, I cannot connect. Also the static disconnects me quite often. As a farmer, the internet is very important to my business. I use the internet to keep track of markets and weather conditions. I am also concerned about what would happen in case of a farm accident or an emergency. We live 25 miles from the nearest hospital. If our phone is out, we have no way to contact emergency help. Usually when our phone is out, the neighbors' is also out of service. From what I understand, my phone system is outdated. The lines' insulation is also brittle and weathered. The system that I have is not capable of caller ID. I feel if other customers in our area can get that option, I should also be able to." The complainant requested the following relief: "I think U S WEST should update our phone system. Whatever it takes to solve our phone problems and make it more reliable. Possibly new lines and new switching systems. We are still on an old party line type system."

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, U S WEST stated that the problem area that Mr. Malsom complained of was scheduled to be updated by October 31, 1998. The Commission voted unanimously to find probable cause. As U S WEST stated that the facilities that serve Mr. Malsom 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 update to the facilities 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: Nellene Kalbe

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

RECEIVED

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,

