

TC 98-133 RECEIVED

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

JUL 15 1998

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

COMPLAINT

Complainant(s): (Persons filing the complaint)		Respondent(s): (Persons or Company complained against)	
Name	<u>Marian C. Brooks</u>	Contact Person	
Address	<u>225-1308 St</u>	Company	<u>US West</u>
City, State, Zip	<u>Winn SD 57453</u>	Address	
Home Phone	<u>225-5528</u>	City, State, Zip	
Work Phone		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:

*While had phone problems for years. However we had a sign
we got a dead phone - no dial tone. That was very frustrating
but nothing was done in the problem area. About 3 years
ago my phone rang at night. I was awoken and went to the
phone held a woman asked if I was Marian Brooks. I replied
yes. She asked if any one else there saying we thought I'd
hardly recall was that someone but I was all right. She said
a girl had come by indicating I was in trouble. She said
the crew I was forwarding were on their way. (About 15 miles
northwest of town). I did not get the phone. I saw flashing
red light coming from the east and they came in to my yard
around 11:30. My phone had been broken about 3 weeks. My trouble
started about 2:30. The crew went to my home and
repaired the phone. I was told the crew had been there
and kept to have had some help. She said that since I had
had my phone broken about 3 weeks ago at 2:30 AM
my phone left ring and I had light was shining in my front
door window. We were told it did not get the power immediately.
The man went from window to window taking power. I did not
believe he took her word. I did not see the flashing red
light. I was awoken into it was a very specific
about brightening the light. I had had some in front
my phone had to be to connect with the cord through my house
hanging and all which have been with me about 3 years
with the telephone. That was 2:30 AM. At 6:30 AM my
phone was on again. I was told by the 911*

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?)

You know the answer to that better than I do.

NOTE: Please attach any additional pages, if necessary.

VERIFICATION

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

Marian C. Brooks 7- -98
Complainant's Signature Date

State of South Dakota)
County of Edmunds)SS

On this 14th day of July, 1998.

before me personally came and appeared Marian C. Brooks
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.

James Dutton
Signature of Notary Public

(SEAL)

My commission expires: 8-25-99

call had come in and the deputy
sherry had called him to see if I
was all right
When the phone company can
do something to stop these calls
that almost give me a heart attack
the 86 year old and his wife.
It is really hard to call
911 every minute they come in
by after all these false alarms.
They would really call back again
to verify the call and then tell the
dead?

South Dakota Public Utilities Commission

WEEKLY FILINGS

For the Period of July 10, 1998 through July 16, 1998

- TC98-129 Complaint by Dale and Linda Brooks vs USWC Lack of and poor telephone service in the Mina, South Dakota area. The complainants request the following relief: "The P.U.C. should get on U S WEST and not allow any rate increases until we have the same services that are available to residents of Aberdeen."
Staff Analyst: Leni Healy Staff Attorney: Ethan Meaney
Date Filed: July 10, 1998
Intervention Deadline: NA
- TC98-130 Complaint by Denise Broveak vs USWC "I am writing this as President of the Elk Ridge Home Owners Association. Our subdivision consists of 56 lots and in 1993 the U S WEST engineer for our area noted that there were only 20+ pairs (cable) available to our development. The engineer was told that the lots were selling quickly and something needed to be done to correct the shortage. The tragedy is as follows: James Van't Land and his family have moved to Elk Ridge - June 22nd. Early April of this year, they were issued 3 phone numbers for 3 lines to be installed upon arrival 6/22/98. As of today, they have no service (July 8) and were issued 1 cell phone on July 3rd to carry them over. James' business line is not active and he is struggling with his job as a result. They receive no help from U S WEST." The complainant requests the following relief: "U S WEST has known for several years of this problem and have done nothing to prepare. Now, the Van't Lands are suffering from their lack of telephone access. Another family will soon be moving here (also needing a business line) and they are out of luck also. We need a multiplexer or more cable! Van't Lands deserve compensation or credit for inconvenience!"
Staff Analyst: Leni Healy Staff Attorney: Ethan Meaney
Date Filed: July 8, 1998
Intervention Deadline: NA
- TC98-131 Application by Main Street Telephone Company for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. "Applicant seeks authority to offer a full range of "1+" interexchange telecommunications services on a resale basis. Specifically, Applicant seeks authority to provide MTS, out-WATS, in-WATS, and Calling Card services. Applicant does not intend to provide operator services, 900 or 700 services."
Staff Analyst: David Jacobson Staff Attorney: Karen Cremer
Date Filed: July 14, 1998
Intervention Deadline: July 31, 1998
- TC98-132 Complaint by Wilson Enterprises, Inc vs U S WEST "We are being served by old, antiquated telephone equipment. U S WEST has us on an "anaconda" phone system due to a lack of physical pairs of wires. With this system, we are unable to use or

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED) ORDER FINDING
BY MARIAN C. BROOKS, MINA, SOUTH) PROBABLE CAUSE
DAKOTA, AGAINST U S WEST)
COMMUNICATIONS, INC. REGARDING) TC98-133
UPDATING LINES)

On July 15, 1998, the Public Utilities Commission (Commission) received a complaint filed by Marian C. Brooks, Mina, South Dakota, against U S WEST Communications, Inc. (U S WEST). The complainant stated that "we have had phone problems for years" in the Mina, South Dakota area. The complainant requests the following relief: "You know the answer to that better than I do."

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 Mrs. Brooks 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 Mrs. Brooks 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: William Hacks

Date: 8/6/98

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Lusk 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:

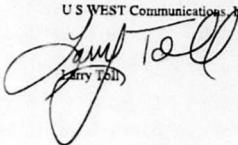
The purpose of this letter is to advise the Commission as to the anticipated completion date of above construction projects and to request that the Commission extend the completion date of the Hofer project accordingly.

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, 9th 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

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**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

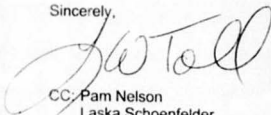
Mr. William Bullard, Executive Director
Public Utilities Commission
State Capitol Building
Pierre, South Dakota 57501

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 MARIAN C. BROOKS, MINA, SOUTH)
DAKOTA, AGAINST U S WEST) TC98-133
COMMUNICATIONS, INC. REGARDING)
UPDATING LINES)

On July 15, 1998, the Public Utilities Commission (Commission) received a complaint filed by Marian C. Brooks, Mina, South Dakota, against U S WEST Communications, Inc. (U S WEST). The complainant stated that "we have had phone problems for years" in the Mina, South Dakota area. The complainant requests the following relief: "You know the answer to that better than I do."

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 Mrs. Brooks 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 Mrs. Brooks 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: Melanie Kulis

Date: 11/10/98

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

W. 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,

