

TC 98-137
RECEIVEDBEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA
500 E Capitol, State Capitol Building, Pierre SD 57501

JUL 24 1998

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

COMPLAINT

Complainant(s): (Persons filing the complaint)		Respondent(s): (Persons or Company complained against)	
Name	Brent & Dawn Burton	Contact Person	
Address	3475 1312	Company	YS West
City, State, Zip	Plum 511 57162	Address	
Home Phone	605-226-3461	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:

I am writing you a complaint to you about our phone service. We have lived in this area for 14 years and had problems in several years listed below are some of the reasons for complaints.

1 My husband runs his business out of the home, many of his clients live out of state. It's pretty difficult to contact people when we don't have a phone for 2-3 days at a time.

2 We have small children and in case of emergency we have no way to contact anyone because we live in the country 30 miles from a town.

3 Also I have to work everyday with small children, if I had car problems, we have no way of getting home, at most of the time when we have to working there is much more you can't hear the people talking.

We have called and called the phone company several times within a month, also when I called for some compensation we all the problems we've had they given me a credit of \$120.00.

Also I attached copies I mailed to you when called in May 1994, and still at this time we have gotten no response.

Thanks

Brent & Dawn Burton

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.

ect
NOVEMBER 14, 1996

ATTENTION FEDERAL COMMUNICATIONS:

I AM WRITING A LETTER OF COMPLAINT ABOUT OUR HOME TELEPHONE LINES. WE LIVE IN THE COUNTRY APPROXIMATELY 20 MILES FROM A TOWN. IT IS VERY IMPORTANT THAT WE HAVE A PHONE THAT IS WORKING, BECAUSE I TRAVEL 40 MILES EVERYDAY ON SPARSELY TRAFFICKED GRAVEL ROADS, WITH SMALL CHILDREN, DURING THE WINTER, AND OUR SAFETY IS A BIG CONCERN OF MY FAMILY. WE'VE BEEN HAVING PROBLEMS WITH OUR PHONE FOR ABOUT 2 YEARS.

FOR EXAMPLE, SOME OF THE PROBLEMS WE HAVE HAD IN THE MONTH OF OCTOBER 1996: THERE IS NO DIAL TONE AT ALL, OR THERE IS SO MUCH STATIC YOU CAN'T HEAR THE PEOPLE TALK, OR THE PHONE CONTINUES TO RING CONSTANTLY AND NEVER STOPS. WE HAVE CALLED US WEST COMMUNICATIONS REPAIR SERVICE APPROXIMATELY 2-3 TIMES PER WEEK. SOMETIMES WE ARE WITHOUT SERVICE FOR 2-3 DAYS. I'VE ALSO CONTACTED SUPERVISORS AT US WEST COMMUNICATIONS, I'VE CALLED THE PUBLIC UTILITIES COMMISSION IN PIERRE, AND NO ONE RETURNS MY CALLS. FINALLY, I CALLED TIM JOHNSON'S OFFICE TO SEE IF HE COULD GET SOME HELP WITH THIS PROBLEM.

THE REPAIR PEOPLE FROM US WEST THAT HAVE FIXED THE PHONE LINES SAY THAT NEW LINES NEED TO BE INSTALLED. UNTIL THIS IS DONE WE WILL CONTINUE TO HAVE THESE PROBLEMS. SOME OF THE PEOPLE INVOLVED IN THIS AREA ARE: PAUL & JULIE MALSOM, DONALD & JENNY MALSOM, DALE BROOKS, & A.L. BROOKS AND OTHERS.

THE ONLY SATISFACTION I'VE RECEIVED IS WORKING WITH KEVIN AT TIM JOHNSON'S OFFICE.

THANK YOU FOR YOUR HELP,
MR. & MRS. BRENT BARTON
36675 131ST ST
MINA, S.D. 57462

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?)

US West Communications needs to put
in new phone lines in our area, that to
be compensated for the many years of problems
with old phone lines, by the phone company.

NOTE: Please attach any additional pages, if necessary.

VERIFICATION

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

Dawn Barton

Complainant's Signature

7/23/98

Date

State of South Dakota)

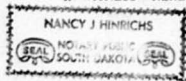
) SS

County of Lawson)

On this 23 day of July, 1998,

before me personally came and appeared Dawn Barton
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.



Nancy J. Henrichs
Signature of Notary Public

(SEAL)

My commission expires: 12/19/02

South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of July 24, 1998 through July 30, 1998

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five business days of this filing. Phone: 605-773-3705 Fax: 605-773-3809

TELECOMMUNICATIONS

TC98-137 In the Matter of the Complaint filed by Brent Barton and Dawn Barton, Mina, South Dakota, against U S WEST Communications, Inc., regarding Updating Lines

Poor telephone service in the Mina, SD area

Staff Attorney: Ethan Meaney
Consumer Representative: Leni Healy
Date Filed: 07/24/98
Intervention Deadline: N/A

TC98-138 In the Matter of the Application of Alliance Group Services Inc., for a Certificate of Authority to Provide Telecommunications Services in South Dakota

Application by Alliance Group Services Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. "Applicant seeks authority to provide MTS, out-WATS, in-WATS, and Calling Card services."

Staff Attorney: Camron Hoseck
Staff Analyst: Harlan Best
Date Filed: 07/27/98
Intervention Deadline: 08/14/98

TC98-090 In the Matter of the Establishment of Switched Access Rates for the Local Exchange Carriers Association

On behalf of McCook Cooperative Telephone Company (McCook) and the Local Exchange Carriers Association (LECA), LECA filed revised tariff pages to reflect the decrease in intrastate switched access minutes of use for McCook due to the tornado at Spencer, SD on May 30, 1998.

Staff Attorney: Karen Cremer
Staff Analyst: Harlan Best
Date Filed: 07/24/98
Intervention Deadline: 08/14/98

TC98-139 In the Matter of the Application of Z-Tel Communications, Inc., for a Certificate of Authority to Provide Telecommunications Services in South Dakota

Application by Z-Tel Communications, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. "The Company provides outbound service and access to directory assistance....Intrastate service is offered as an add-on to interstate service."

Staff Attorney: Karen Cremer
Staff Analyst: Bob Knadle
Date Filed: 07/28/98
Intervention Deadline: 08/14/98

TC98-140 In the Matter of the Filing by U S WEST Communications, Inc., for Approval of Agreement for Service Resale between Knight Communications, Inc., and U S WEST Communications, Inc.

U S WEST Communications filed a negotiated Agreement For Service Resale Between Knight Communications, Inc. and U S WEST Communications, Inc. Any person wishing to comment on the parties' request for approval may do so by filing written comments with the Commission and the parties to the agreement no later than August 19, 1998. Parties to the agreement may file written responses to the comments no later than September 8, 1998.

Staff Attorney: Ethan Meaney
Date Filed: 07/29/98
Intervention Deadline: 08/19/98

You may receive this listing and other PUC publications via our website or via internet e-mail. You may subscribe to the PUC mailing list at <http://www.state.sd.us/state/execute/puc/puc.htm>

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED) ORDER FINDING
BY BRENT AND DAWN BARTON, MINA,) PROBABLE CAUSE
SOUTH DAKOTA, AGAINST U S WEST)
COMMUNICATIONS, INC. REGARDING) TC98-137
UPDATING LINES)

On July 24, 1998, the Public Utilities Commission (Commission) received a complaint filed by Brent and Dawn Barton, Mina, South Dakota, against U S WEST Communications, Inc. (U S WEST). The complainants state: "We have lived in this area for 14 years and had problems for several years . . . we don't have a phone for 2-3 days at a time. [W]hen the phone is working, there's so much static you can't hear the person talking." The complainants requested the following relief: "U S WEST needs to put in new phone lines. Also, to be compensated for the many years of problems with our phone lines, by the phone company."

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 August 4, 1998, at a duly noticed meeting, U S WEST stated that the problem area that the Bartons 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 the Bartons will be updated this year, the Commission will defer any action on the complaint until October 31, 1998. The Commission also decided to defer any action on the issue of damages 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 14th 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> Belaine Laska </u>	
Date: <u> 8/14/98 </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
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**

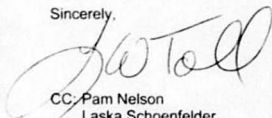
Mr. William Bullard, Executive Director
Public Utilities Commission
State Capitol Building
Pierre, South Dakota 57501

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 REQUIRING AN
BY BRENT AND DAWN BARTON, MINA,)	ANSWER
SOUTH DAKOTA, AGAINST U S WEST)	
COMMUNICATIONS, INC. REGARDING)	TC98-137
UPDATING LINES)	

On July 24, 1998, the Public Utilities Commission (Commission) received a complaint filed by Brent and Dawn Barton, Mina, South Dakota, against U S WEST Communications, Inc. (U S WEST). The complainants state: "We have lived in this area for 14 years and had problems for several years . . . we don't have a phone for 2-3 days at a time. [W]hen the phone is working, there's so much static you can't hear the person talking." The complainants requested the following relief: "U S WEST needs to put in new phone lines. Also, to be compensated for the many years of problems with our phone lines, by the phone company."

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 August 4, 1998, at a duly noticed meeting, U S WEST stated that the problem area that the Bartons 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 the Bartons will be updated this year, the Commission deferred any action on the complaint until October 31, 1998. The Commission also decided to defer any action on the issue of damages 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 deferred this matter until Commission Staff confirmed with the Bartons how they wanted to proceed with their damages claim. At its regularly scheduled November 25, 1998, meeting, Commission Staff reported that the Bartons wanted to proceed with the damages portion of their complaint. The Commission ordered that U S WEST file its answer to the complaint within 20 days.

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 complaint shall be forwarded to U S WEST and U S WEST shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 17th day of December, 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: M. Dennis Kabe

Date: 12/11/98

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

BOYCE, MURPHY, McDOWELL & GREENFIELD, L.L.P. RECEIVED

ATTORNEYS AT LAW

DEC 28 1998

Joseph D. Murphy
Russell R. Greenfield
David J. Valens
Gary J. Pashby
Vance R.C. Goldammer
Thomas J. Welk
Terry N. Frensdorff
James E. McMahon
Michael S. McRough
Gregg S. Greenfield
Tamara A. Wilks
Roger A. Salwick
Carolyn A. Thompson
Lisa Hansen Mero

Northwest Center, Suite 600
121 North Phillips Avenue
Sioux Falls, South Dakota 57104
P.O. Box 5015
Sioux Falls, South Dakota 57117-5015

Telephone 605 336-2424
Facsimile 605 334-0618

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Of Counsel
John R. McDowell

J.W. Boyce (1884-1915)
John S. Murphy (1912-1964)

December 24, 1998

William Bullard, Executive Director
Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, SD 57501

Re: In the Matter of the Complaint Filed by Brent and Dawn Barton, Mina, South Dakota,
against U S WEST Communications, Inc. Regarding Updating Lines (TC 98-137)

Dear Bill:

Enclosed please find the original and ten (10) copies of the Answer to Complaint and Certificate
of Service in the above referenced file.

Sincerely yours,

BOYCE, MURPHY, MCDOWELL
& GREENFIELD, L.L.P.


Thomas J. Welk

TJW/vjj
Enclosure

cc: Colleen Sevold (w/enc.)
Todd Lundy (w/enc.)
Brent and Dawn Barton (w/enc.)

RECEIVED

DEC 28 1998

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN THE MATTER OF THE COMPLAINT
FILED BY BRENT AND DAWN BARTON,
MINA, SOUTH DAKOTA, AGAINST U S
WEST COMMUNICATIONS, INC.
REGARDING UPDATING LINES

TC 98-137

ANSWER TO COMPLAINT AND
CERTIFICATE OF SERVICE

Pursuant to the December 11, 1998 Order of the Public Utilities Commission ("Commission") in this docket, received on December 14, 1998, and pursuant to ARSD 20:10.01.11.01 U S WEST Communications, Inc ("U S WEST") provides the following Answer to the Complaint in this matter.

1. U S WEST admits, as alleged in the Complaint of Brent and Dawn Barton of Mina, South Dakota ("Customer") that the Customer has experienced certain outages of telephone and that at certain times such outages were reported to U S WEST. To its best knowledge and belief, U S WEST responded to all trouble reports.

2. This customer is served out of the Aberdeen, South Dakota office

3. The U S WEST technicians in South Dakota have done extensive work on this system to provide the Barton's good voice grade service. Such work included replacing the old system with a new system in October, 1998.

4. U S WEST has credited and will credit the Customer for any days the Customer was out of service

5. In regard to any damages suffered by the Customer as alleged in the Complaint, such damages, if any, are limited by the applicable tariff which has been filed and approved by the Commission, which is attached hereto as Exhibit A. A copy of the Commission's Order Approving Tariff is attached hereto as Exhibit B. In addition, in the extent that such damages

alleged by the Customer are not limited by the tariff. U S WEST remits the Customer to prove any damages sustained.

DATED this 24th day of December, 1998.



Thomas J. Welk
BOYCE, MURPHY, McDOWELL &
GREENFIELD, L.L.P.
101 North Phillips Avenue, Suite 600
P. O. Box 5015
Sioux Falls, SD 57117-5015
(605) 336-2424

Attorneys for U S WEST Communications, Inc.

CERTIFICATE OF SERVICE

I, Thomas J. Welk, do hereby certify that I am a member of the law firm of Boyce, Murphy, McDowell & Greenfield, L.L.P., and on the 24th day of December, 1998, a true and correct copy of U S WEST's Answer to Complaint was sent via US mail, postage prepaid, to the following address:

Brent and Dawn Barton
36675 131st Street
Mina, SD 57462



Thomas J. Welk

NEXT

DOCUMENT (S)

BEST IMAGE

POSSIBLE

U S WEST COMMUNICATIONS, INC.
Exchange and Network
Services Tariff

SECTION 2

Page 25

Release 1

Effective: 12-5-93

State of South Dakota

Issued: 11-5-93

2. GENERAL REGULATIONS - CONDITIONS OF OFFERING

2.4 LIABILITY OF THE COMPANY

2.4.1 SERVICE LIABILITIES

A. Limitations

1. The Company's liability, if any, for its willful misconduct is not limited by this Tariff. With respect to any other claim or suit by a customer or by any others, for damages associated with the installation, provision, presumption, termination, maintenance, repair, or restoration of service, the Company's liability, if any, shall not exceed an amount equal to the proportionate part of the monthly recurring charge for the service for the period during which the service was affected. This liability shall be in addition to any amounts that may otherwise be due the customer under this Tariff as an allowance for interruptions.
2. The services furnished by the Company, in addition to the limitations set forth preceding, also are subject to the following limitation: The Company shall not be liable for damage arising out of mistakes, omissions, interruptions, delays, errors or defects in transmission or other injury, including but not limited to injuries to persons or property from voltages or currents transmitted over the service of the Company caused by Customer-provided equipment (except where a contributing cause is the malfunctioning of a Company-provided connecting arrangement, in which event the liability of the Company shall not exceed an amount equal to a proportional amount of the Company billing for the period of service during which such mistake, omission, interruption, delay, error, defect in transmission or injury occurs).
3. The customer indemnifies and saves the Company harmless against claims for libel, slander, infringement of copyright arising from the use of material transmitted over its facilities, or infringement of patents arising from combining with or using in connection with, facilities of the Company, apparatus or systems of the customer; and against all other claims arising out of any act or omission of the customer in connection with facilities provided by the Company.
4. Calling Privileges

Company tariffs govern and fix the outgoing service of customers and in no manner guarantees to them the same incoming service. All incoming service of a customer depends upon and is limited by the right of a calling customer to such service.

EXHIBIT

A

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

IN THE MATTER OF THE APPLICATION OF)
U S WEST COMMUNICATIONS TO REPLACE)
ITS GENERAL EXCHANGE TARIFF AND)
LOCAL EXCHANGE TARIFF WITH A NEW)
EXCHANGE AND NETWORK SERVICES)
TARIFF.)

**ORDER APPROVING
TARIFF REVISIONS**

TC93-141

On November 9, 1993, U S West Communications (USWC) filed an application with the Public Utilities Commission (Commission) for approval of its new Exchange and Network Services Tariff and new Exchange and Network Services Catalog, Advanced Communications Services Catalog and Access Services Catalog.

The revised pages reflect changes in the format of the tariff but no rates have been changed. The purpose of this filing is to develop a format that is uniform throughout USWC's 14 states. These services are classified non-competitive, emerging competitive and fully competitive. The emerging competitive products, i.e. Message Telecommunications Service and Wide Area Telecommunications Service have been reformatted and are now located in Sections 5 and 7 of the Exchange and Network Services Catalog.

On November 10, 1993, the Commission faxed notice of the filing and the intervention deadline of November 29, 1993, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled December 14, 1993, meeting, the Commission considered USWC's request for approval of its revised tariff. Commission Staff recommended approval.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically under SDCL 49-31-1.1, 49-31-1.2, 49-31-1.3, 49-31-1.4, 49-31-3, 49-31-4, 49-31-12, 49-31-12.2, 49-31-12.4 and 49-31-12.5. Upon review of USWC's filing, the Commission concludes that the proposed tariff revisions are fair and reasonable and should be approved. As the Commission's final decision in this matter, it is therefore

ORDERED, that USWC's proposed tariff revisions for its new Exchange and Network Services Tariff and related Catalogs are hereby approved as revised and shall be effective for telecommunications services rendered on and after December 5, 1993.

Dated at Pierre, South Dakota, this 22nd day of December, 1993.

<p>CERTIFICATE OF SERVICE</p> <p>The undersigned hereby certifies that this document has been served duly upon all parties of record in this docket, as listed on the docket service list, by hand or, or by first class mail, in prepaid, addressed envelopes, with charges prepaid thereon.</p> <p>By: <u>Kenneth Stofferahn</u></p> <p>Date: <u>12/22/93</u></p> <p align="center">(OFFICIAL SEAL)</p>
--

BY ORDER OF THE COMMISSION:

Laska Schoenberg
LASKA SCHOENBERG, DER, Chairman

Kenneth Stofferahn
KENNETH STOFFERAHN, Commissioner

James A. Burg
JAMES A. BURG, Commissioner

EXHIBIT

B

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 29 1998

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

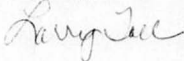
Mr. William Bullard, Executive Director
Public Utilities Commission
State Capitol Building
Pierre, South Dakota 57501

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,



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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FOR AND NOTICE
BY BRENT AND DAWN BARTON, MINA,)	OF HEARING
SOUTH DAKOTA, AGAINST U S WEST)	
COMMUNICATIONS, INC. REGARDING)	TC98-137
UPDATING LINES)	

On July 24, 1998, the Public Utilities Commission (Commission) received a complaint filed by Brent and Dawn Barton, Mina, South Dakota (Complainants), against U S WEST Communications, Inc. (U S WEST). The Complainants state: "We have lived in this area for 14 years and had problems for several years . . . we don't have a phone for 2-3 days at a time. [W]hen the phone is working, there's so much static you can't hear the person talking." The Complainants requested the following relief: "U S WEST needs to put in new phone lines. Also, to be compensated for the many years of problems with our phone lines, by the phone company."

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 August 4, 1998, at a duly noticed meeting, U S WEST stated that the problem area that the Complainants 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 the Complainants will be updated this year, the Commission also deferred any action on the complaint until October 31, 1998. The Commission also decided to defer any action on the issue of damages 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 deferred this matter until Commission Staff confirmed with the Complainants how they wanted to proceed with their damages claim. At its regularly scheduled November 25, 1998, meeting, Commission Staff reported that the Complainants wanted to proceed with the damages portion of their complaint. The Commission ordered that U S WEST file its answer to the complaint within 20 days. U S WEST filed its Answer to the Complaint on December 28, 1998.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-2, 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 20.10.01.28, inclusive. The Commission may rely upon any or all of these or other laws of this state in making its determination.

A hearing shall be held on January 22, 1999, beginning at 11:00 a.m., at the Aberdeen Development Corporation, East Business Park, 416 Production Street North, Aberdeen, South Dakota. All persons so testifying will be subject to cross-examination by the parties.

The issue at the hearing is whether U S WEST committed an unlawful or unreasonable act, rate, practice or omission and whether U S WEST is liable for damages caused to the Complainants and, if so, in what amount.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission shall determine whether U S WEST committed an unlawful or unreasonable act, rate, practice, or omission and whether U S WEST is liable for damages caused to the Complainants and, if so, in what amount. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED that a hearing shall be held at the time and place specified above on the issue of whether U S WEST committed an unlawful or unreasonable act, rate, practice or omission and whether U S WEST is liable for damages caused to the Complainants and, if so, in what amount.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 30th day of December, 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 Bullard, Jr.

Date: 12/30/98

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION
Commissioners Burg, Nelson and
Schoenfelder

William Bullard, Jr.
WILLIAM BULLARD, JR.
Executive Director

TC 98-137 #779

Public Utilities Commission
Supt: Louis Babin are
withdrawing our complaint
against US west communicators.
Reason being that the Public
Utilities Commission is known
that they do not grant damages
for loss of work. Why
should we waste our time
and effort, getting documents
together.

Office: Louis Babin
3675 131st
Minn SD 57162

Hearing date scheduled on Jan 20
1999 @ 11:00 am.

RECEIVED

JAN 11 1999

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED)	ORDER CANCELLING
BY BRENT AND DAWN BARTON, MINA,)	HEARING
SOUTH DAKOTA, AGAINST U S WEST)	
COMMUNICATIONS, INC. REGARDING)	TC98-137
UPDATING LINES)	

On July 24, 1998, the Public Utilities Commission (Commission) received a complaint filed by Brent and Dawn Barton, Mina, South Dakota (Complainants), against U S WEST Communications, Inc. (U S WEST). The Complainants state "We have lived in this area for 14 years and had problems for several years . . . we don't have a phone for 2-3 days at a time. [W]hen the phone is working, there's so much static you can't hear the person talking." The Complainants requested the following relief: "U S WEST needs to put in new phone lines. Also, to be compensated for the many years of problems with our phone lines, by the phone company."

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 August 4, 1998, at a duly noticed meeting, U S WEST stated that the problem area that the Complainants 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 the Complainants will be updated this year, the Commission deferred any action on the complaint until October 31, 1998. The Commission also decided to defer any action on the issue of damages 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 deferred this matter until Commission Staff confirmed with the Complainants how they wanted to proceed with their damages claim. At its regularly scheduled November 25, 1998, meeting, Commission Staff reported that the Complainants wanted to proceed with the damages portion of their complaint. The Commission ordered that U S WEST file its answer to the complaint within 20 days. U S WEST filed its Answer to the Complaint on December 28, 1998.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-2, 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 20.10.01.28, inclusive. The Commission may rely upon any or all of these or other laws of this state in making its determination.

A hearing was scheduled for January 22, 1999, beginning at 11:00 a.m., at the Aberdeen Development Corporation, East Business Park, 416 Production Street North, Aberdeen, South Dakota.

On January 11, 1999, the Commission received a letter from the Complainants requesting that their complaint be withdrawn. It is therefore

ORDERED, that the hearing set to begin January 22, 1999, at 11:00 a.m., at the Aberdeen Development Corporation, East Business Park, 416 Production Street North, Aberdeen, South Dakota, is cancelled

Dated at Pierre, South Dakota, this 20th day of January, 1999.

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

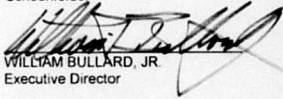
Nelaine Kado

Date

1/20/99

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:
Commissioners Burg, Nelson and
Schoenfelder


WILLIAM BULLARD, JR.
Executive Director

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER CLOSING DOCKET
BY BRENT AND DAWN BARTON, MINA,)	
SOUTH DAKOTA, AGAINST U S WEST)	TC98-137
COMMUNICATIONS, INC. REGARDING)	
UPDATING LINES)	

On July 24, 1998, the Public Utilities Commission (Commission) received a complaint filed by Brent and Dawn Barton, Mina, South Dakota (Complainants), against U S WEST Communications, Inc. (U S WEST). The Complainants state: "We have lived in this area for 14 years and had problems for several years. . . . we don't have a phone for 2-3 days at a time. [W]hen the phone is working, there's so much static you can't hear the person talking." The complainants requested the following relief: "U S WEST needs to put in new phone lines. Also, to be compensated for the many years of problems with our phone lines, by the phone company."

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 August 4, 1998, at a duly noticed meeting, U S WEST stated that the problem area that the Complainants 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 the Complainants 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 deferred this matter until Commission Staff confirmed with the Complainants how they wanted to proceed with their damages claim. At its regularly scheduled November 25, 1998, meeting, Commission Staff reported that the Complainants wanted to proceed with the damages portion of their complaint. The Commission ordered that U S WEST file its answer to the complaint within 20 days. U S WEST filed its Answer to the complaint on December 28, 1998. On January 11, 1999, the Commission received a letter from the Complainants asking that their request for damages be withdrawn. At its regularly scheduled meeting of January 26, 1999, the Commission voted unanimously to close the docket.

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 3rd day of February, 1999.

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 Nelson-Kelso

Date 2/3/99

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner