

TC98-189

RECEIVED

OCT 19 1998

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Complaint Hanson/Meland
18 Deer Run/19 Deer Run
McCook Lake, SD 57049

1. Long distance to South Sioux City, NE, Hinton, IA, Homer, NE and other communities that are not fee calls for U.S. West customers
2. We have two phone numbers – one for long distance, one for local (example: 271-1606 for local and 422-1606 for long distance). This is extremely confusing for everyone.
3. Internet connection is very slow – can't use high-speed modem effectively. 28,800 is the highest. Disconnects frequently.
4. The company has told us that they should have not connected us. They are not charging us a bill as they said they are not providing a billable service.
5. Service is extremely slow.
6. Our first long distance phone bill came at the end of June. First customer moved in, in January.

* When we call the PUC hotline and related our problems, the person who took the call passed the information on to someone, because the phone company knew we had called to complain. This is hardly ethical.

8. Our phone numbers are not listed in Information. Will they be in the new phone books?
9. This company should never have been allowed to offer service until such time as they were ready to offer comparable service to U.S. West. or at least we should have been told of their limitations.
10. There are several of us in the subdivision that have a home based business. The problems as outlined will affect our businesses. As the majority of business these days is performed over the telephone, we cannot afford to have anything less than exceptional service.

We ask that the PUC grant the following relief.

We would like the approval of the PUC to allow U.S. West to bring service into the Deer Run Subdivision in McCook Lake, SD. Due to the nature of our businesses (general sales) it is imperative we have a dependable, quality oriented telephone service.

For the past year we have received nothing but promises from Northwest Iowa Telephone, or Comchoice. Even if they perform on these, we will not have the service we want.

Sargent Bell, I
712-923-5566

CommChoice, LLC

1 River Place

600 Stroen Post Dr

Dakota Dunes, SD

57049

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?)

Four horizontal lines for writing the request.

NOTE: Please attach any additional pages, if necessary.

VERIFICATION

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

Dave Wilson

Complainant's Signature

10/1/98

Date

State of South Dakota)
)SS
County of _____)

On this _____ day of _____, _____

before me personally came and appeared _____, 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.

Signature of Notary Public

(SEAL)

My commission expires: _____

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South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of October 23, 1998 through October 29, 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

TC98-187 In the Matter of the Petition for an Order Directing U S WEST Communications, Inc., to File Updates to its Exchange and Network Services Catalog, Access Service Catalog, Advanced Communications Services Catalog, and Private Line Transport Services Catalog

On October 26, 1998, Staff of the Commission petitioned the Commission to issue an Order requiring U S WEST Communications, Inc. to file updates to its Exchange and Network Services Catalog, Access Service Catalog, Advanced Communications Services Catalog and Private Line Transport Services Catalog

Staff Attorney: Camron Hoseck
Staff Analyst: Harlan Best
Date Filed: 10/26/98
Intervention Deadline: NA

TC98-188 In the Matter of the Complaint filed by Donna Beitelspacher, Webster, South Dakota, against Buyers United Regarding Unauthorized Billing

Complaint by Donna Beitelspacher vs. Buyers United. The Complainant claims that she was billed by ITC and Buyers United for the same calls. The Complainant states "more than once, I discussed this by phone with representatives of Buyers United. Several months ago, I received a billing from a collection agency. I responded telling them that I had evidence that the calls had been paid through ITC." The Complainant seeks the following relief: "I would ask that the PUC determine which company had the rightful claim to the payments, and that all collection claims be ended. I further would ask that records of this be removed from my credit record. Also, I do not feel that I should be assessed attorney/collection costs."

Staff Attorney: Karen Cremer
Consumer Affairs: Leni Healy
Date Filed: 10/01/98
Intervention Deadline: NA

TC98-189 In the Matter of the Complaint filed by Suzanne Hanson, McCook Lake, South Dakota, against CommChoice, LLC, Regarding Poor Quality of Service and a Request to be Served by U S WEST.

Complaint by Suzanne Hanson vs. CommChoice, LLC. The Complainant claims that confusion and poor service have lead her to file a complaint. The Complainant seeks the following relief: "We would like the approval of the PUC to allow U S WEST to bring service into the Deer Run Subdivision in McCook Lake, SD. Due to the nature of our businesses (general sales) it is imperative we have a dependable, quality oriented telephone service."

Staff Attorney: Karen Cremer
Consumer Affairs: Leni Healy
Date Filed: 10/19/98
Intervention Deadline: NA

TC98-190 In the Matter of the Application of ENHANCED COMMUNICATIONS NETWORK, INC. for a Certificate of Authority to provide intrastate telecommunications services in South Dakota

Application by ENHANCED COMMUNICATIONS NETWORK, INC. to provide intrastate, interexchange telecommunications services in the State of South Dakota. ENHANCED COMMUNICATIONS is proposing to provide outbound intrastate interexchange service and prepaid calling card service within South Dakota.

Staff Attorney: Karen Cremer
Staff Analyst: Dave Jacobson
Date Filed: 10/28/98
Intervention Deadline: 11/12/98

TC98-191 In the Matter of the Application of Special Accounts Billing Group, Inc., for a Certificate of Authority to Provide Telecommunications Services in South Dakota

Application of Special Accounts Billing Group, Inc. for a certificate of authority to provide a full-range of resold 1+ interexchange telecommunications services in South Dakota. The services to be provided include MTS, out-WATS, in-WATS, and Calling Card services.

Staff Attorney: Camron Hoseck
Staff Analyst: Kylie Tracy
Date Filed: 10/28/98
Intervention Deadline: 11/13/98

TC98-192 In the Matter of the Complaint filed by Greg and Marilyn Bolt, Rapid City, South Dakota, against McLeod USA, Regarding Delayed Transfer of Service

Complaint by Greg and Marilyn Bolt vs. McLeod USA. The Complainant claims that a delay in transfer of telephone service caused loss of income. The Complainants seek the following relief: "I know we lost a \$10,000 job because of not having a phone. Plus other jobs and 10 hours of time spent at a payphone. And no phone for emergency reasons. We feel we lost a minimum of \$12,000."

Staff Attorney: Karen Cremer
Consumer Affairs: Leni Healy
Date Filed: 10/27/98
Intervention Deadline: NA

TC98-193 In the Matter of the Complaint filed by Debra Esche, Canton, South Dakota, against U S WEST Communications, Regarding Unacceptable Service.

Complaint by Debra Esche vs. U S WEST Communications. The Complainant describes frustration, effort and expenses caused by a delay in obtaining telephone service. The Complainant seeks the following relief: "require U S West to reimburse me for long distance calls and the time I spent dealing with this situation. Require U S West to provide brick type phones for all customers with delayed service. Require U S West to come up with a written policy that includes these items."

Staff Attorney: Camron Hoseck
Consumer Affairs: Leni Healy
Date Filed: 10/26/98
Intervention Deadline: NA

TC98-194 In the Matter of the Complaint filed by Basec.net, Huron, South Dakota, against U S WEST Communications and FirsTel, Inc., Regarding Billing Issues.

Complaint by Marvie Tschetter of Basec.net vs. U S WEST Communications and FirsTel, Inc. The Complainant purchased an existing business and contacted U S WEST to continue customer access through T-1 lines. U S WEST informed the Complainant that Basec.net could not take over payment of the lines unless the previous owner's debt was paid in full. Basec.net decided to move the equipment and obtain services through FirsTel. After obtaining the services, Basec.net was informed by U S WEST that they would be charged for installation/construction fees, the old billings of the previous owner, and additional charges for monthly service until other options were available. Neither U S WEST nor FirsTel disclosed these costs prior to providing service. FirsTel offered a plan with minimal installation fees but could not offer the service for 15-20 days which would not allow Basec.net's customers access to their services. The Complainant seeks the following relief: "1) Require U S WEST to inform promptly of facilities issues. 2) Some sort of financial compensation for loss of revenue."

Staff Attorney: Karen Cremer
Consumer Affairs: Leni Healy
Date Filed: 10/26/98
Intervention Deadline: NA

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/puc/puc.htm>

Meyer & Rogers

—ATTORNEYS AT LAW
P.O. BOX 1117 • 320 EAST CAPITOL • PIERRE, SOUTH DAKOTA 57501-1117 • TELEPHONE 605-224-7889 • FACSIMILE 605-224-9060

BRIAN B. MEYER
DARLA POLLMAN ROGERS

November 16, 1998

William Bullard, Executive Director
PUBLIC UTILITIES COMMISSION
State Capitol Building
500 East Capitol Avenue
Pierre, South Dakota 57501

Re: Docket Number TC98-189
In the Matter of the Complaint Filed by Suzanne Hanson and
Dave Meland against CommChoice

Dear Mr. Bullard:

Please find enclosed herein original and ten copies of the **PRELIMINARY RESPONSE BY COMMCHOICE TO COMPLAINTS** for filing in the above-named docket.

Very truly yours,



Brian B. Meyer
Attorney at Law

BBM/ph

Enclosures

RECEIVED

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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

RECEIVED

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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT
FILED BY SUZANNE HANSON AND
DAVE MELAND AGAINST
COMMCHOICE

Docket No. TC98-189
PRELIMINARY RESPONSE BY
COMMCHOICE TO COMPLAINTS

CommChoice is a C-LEC licensed by the state of South Dakota, operating throughout the state of South Dakota.

Hanson and Meland reside in the McCook area of South Dakota, in the South Dakota LATA, in an area certified to US West. Apparently, at the present time, Hanson and Meland are not taking telephone service from US West.

CommChoice has entered into interconnection agreements with US West in South Dakota, Iowa, and Nebraska. CommChoice intends to serve Hanson and Meland pursuant to these interconnection agreements, and intends to use hybrid fiber coax facilities presently used by the local CATV supplier for CommChoice's local loop.

CommChoice has not fully implemented its interconnection with US West, and at the present time is not able to provide those kinds of local services generally expected by the public. Hanson and Meland had been taking limited service, on a trial basis, from Commchoice, without charge, and with complete knowledge on the part of both Hanson and Meland that this is "limited service on a trial basis." CommChoice expects that by December 1st the interconnection agreements executed with US West will be fully implemented, and both Hanson and Meland will have local service which should meet all of their complaints.

The following is the response to each of the Complaints contained in the Hanson-Meland Complaint:

1. Long distance charges on what are otherwise US West EAS areas.

Response: These matters will be solved when the interconnection with South Sioux City, Iowa, is fully implemented. At that time, Hanson and Meland will have EAS to all of the exchanges that any other US West customer located in this service area will have.

2. Two telephone numbers.

Response: This matter will be solved when the interconnection is fully implemented.

3. Slow Internet service.

Response: 28,800 is the highest speed this network is capable of providing.

4. Complaint that the company should not have connected these customers.

Response: These customers were connected with the understanding that this service was not fully implemented, and was being done on a trial basis without charge. If the customers want to be disconnected, they certainly can be.

5. Service is slow.

Response: Once the interconnections are fully implemented, this problem should be resolved.

6. Long distance phone bill.

Response: This appears to be a problem for the interexchange carrier. CommChoice does not have a billing agreement with the interexchange carrier.

7. This is not an issue that affects CommChoice.

8. Phone numbers not listed in Information.

Response: When interconnection is implemented, the numbers will be listed in Information. The last date to include information in the data base was October, and this will be a problem until next October. This is a timing problem that CommChoice cannot fix.

9. Company should not have been allowed to offer service.

Response: Customers were told this was on a trial basis, without charge. If they wish to discontinue the service, they certainly may do so.

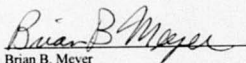
10. Effect on home-based business.

Response: Customers were told this was on a trial basis, without charge. If they wish to discontinue the service, they certainly may do so. It appears that this area is a certified service area of US West. US West can certainly bring service into this area if it so chooses.

01500-309-10

In view of the fact that CommChoice is a C-LEC and this is an alternative competing service, CommCnoice asks that the Complaint against CommChoice be dismissed with prejudice. CommChoice will, of course, provide any further information the Commission requests.

Dated this 16 day of November, 1998.



Brian B. Meyer
Meyer & Rogers
P. O. Box 1117
Pierre, South Dakota 57501
Attorney for CommChoice

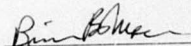
CERTIFICATE OF SERVICE

The undersigned hereby certifies that she served a copy of the foregoing-
PRELIMINARY RESPONSE upon the person herein next designated, on the date below
shown, by depositing a copy thereof in the United States mail at Pierre, South Dakota, post-
age prepaid, in an envelope addressed to said addressee, to-wit:

Suzanne Hanson and Dave Meland
18 Deer Run
McCook Lake, South Dakota 57049

Suzanne Hanson and Dave Meland
19 Deer Run
McCook Lake, South Dakota 57049

Dated this sixteenth day of November, 1998.



Brian B. Meyer
MEYER & ROGERS
P. O. Box 1117
Pierre, South Dakota 57501
Attorney for CommChoice

NEXT

DOCUMENT (S)

BEST IMAGE

POSSIBLE

TC 98-189

To: Larry Healy
Public Utilities Comm.

From: Dave & Dixie Meland

Re: Complaint - Milwaukee Telephone

Larry, your conversation of a week or a day or so, following is the legal description of our home as well as the Deer Run "Subdivision."

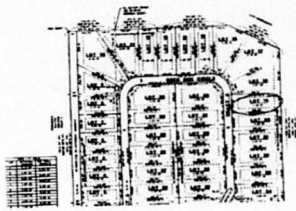
As you mention the hearing is set for Nov. 25th I will look forward to receiving info on that.

Thank you
Dixie Meland

phone # 605-422-1601

LOTS 1-40, TRACT A, B & C
DEER RUN ACRES

OF PREVIOUSLY PLATTED BEAVERS TRACT 2 OF LOT 8
IN SECTION 25, T30N, R7E AND
IN SECTION 30, T30N, R8E ALL IN THE 6th P.M.,
UNION COUNTY, SOUTH DAKOTA



For use with real property of an area of 40 acres or less.
MORTGAGE - COLLATERAL REAL ESTATE MORTGAGE
180 DAY REDEMPTION

LOAN NUMBER: 30427

THIS MORTGAGE, made this 23rd day of OCTOBER, 1997, by DAVID MELAND AND DIANE
MELAND, MARRIED, of UNION County and State of SD, Mortgagor, to SECURITY BANK, 100
North Phillips Avenue, P.O. Box 1418, Sioux Falls, SD, 57101, Mortgagee,

WITNESSETH:

Mortgagor hereby mortgages to Mortgagee the following described premises in the
County of UNION and the State of South Dakota, to-wit:

LOT 19, DEER HUN ACRES OF PREVIOUSLY PLATTED BEAVERS
TRACT 2 OF LOT 6 IN SECTION 35, TOWNSHIP 30 NORTH,
RANGE 7 EAST AND IN SECTION 30, TOWNSHIP 30 NORTH,
RANGE 8 EAST, ALL IN THE 6TH P.M., UNION COUNTY,
SOUTH DAKOTA, ACCORDING TO THE RECORDED PLAT THEREOF.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED) ORDER DISMISSING
BY SUZANNE HANSON, MCCOOK LAKE,) COMPLAINT AND CLOSING
SOUTH DAKOTA, AGAINST COMMCHOICE,) DOCKET
LLC REGARDING POOR QUALITY OF)
SERVICE AND A REQUEST TO BE SERVED) TC98-189
BY U S WEST COMMUNICATIONS, INC.)

On October 19, 1998, the Public Utilities Commission (Commission) received a complaint by Suzanne Hanson (Complainant) against CommChoice, LLC. The Complainant claims that confusion and poor service have led her to file a complaint. The Complainant seeks the following relief: "We would like the approval of the PUC to allow U S WEST to bring service into the Deer Run Subdivision in McCook Lake, SD. Due to the nature of our businesses (general sales) it is imperative we have a dependable, quality oriented telephone service."

On November 25, 1998, at a duly noticed meeting, the Complainant explained her complaint to the Commission. CommChoice explained its actions in this matter to the Commission. The Commission deferred the matter at this time.

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 February 17, 1999, at its duly noticed meeting, the Commission reviewed the complaint. Commission staff represented to the Commission that the Complainant, before the meeting, had indicated to staff that accord had been reached with CommChoice. Based upon this communication from the Complainant, Commission Staff recommended that the complaint be dismissed and the docket closed.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 49-13 and 49-31 and ARSD 20.10.01.08.01 and 20.10.01.09. The Commission voted unanimously to dismiss the complaint and close the docket, it is therefore

ORDERED, that this complaint be dismissed and the docket be closed.

Dated at Pierre, South Dakota, this 26th 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 Arlene Kalka

Date 3/1/99

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner