

TC98-193

In the Matter of

IN THE MATTER OF THE COMPLAINT
FILED BY DEBRA D. ESCHE, CANTON,
SOUTH DAKOTA, AGAINST U S WEST
COMMUNICATIONS, INC. REGARDING
UNACCEPTABLE SERVICES

Public Utilities Commission of the State of South Dakota

DATE

MEMORANDA

DATE	MEMORANDA
10/26 98	Received;
10/29 98	Reopened;
10/29 98	Weekly filings;
12/4 98	Close the missing Complaint and Closing Packet;
12/4 98	Packet Closed

0150401

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

TC 98-193
RECEIVED
OCT 26 1998
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Complainant(s): (Persons filing the complaint)		Respondent(s): (Persons or Company complained against)	
Name	Debra D Esche	Contact Person	
Address	1030 N Collins St	Company	US West
City, State, Zip	Canon SD 57013	Address	125 S. Dakota
Home Phone	605-987-4286	City, State, Zip	Sioux Falls, SD 57154
Work Phone	605-367-7288	Work Phone	
Cellular Phone	605-360-5053	Cellular Phone	
Fax #	605-338-1763	Fax #	605-339-5370

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:

see attached

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?)

Remove US West to reimburse me for the loss of service
call service the state public utility will make
situation require us to be paid back for
service we call customer want delinquent bill
remove US West to reimburse me for the loss of service
that includes these items

NOTE: Please attach any additional pages, if necessary.

VERIFICATION

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

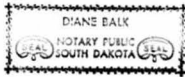
Debra D Esche
Complainant's Signature
10/26/98
Date

State of South Dakota)
County of Minnehaha)SS

On this 23rd day of October, 1998.

before me personally came and appeared Debra D. Esche
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.



Diane Balk
Signature of Notary Public

(SEAL)
My commission expires: My Commission expires July 21, 2002

PUC FORMAL COMPLAINT BY DEB ESCHÉ, 1030 N. COLLEGE STREET, CANTON, SD57013

My complaint against US West is based on the following facts:

1. When we began construction of our home at 1030 N. College Street in April or May of 1998, my husband called all of the utility companies including US West to find out what was needed to make sure we would have service when our home was completed. US West indicated that we did not need to do anything now, just call shortly before we were ready to move in and the service would be hooked up.
2. My husband called US West on August 17, 1998 to order service for our new home at 1030 N. College Street, Canton, SD. He spoke to a manager (because of the strike) and was told that service would be hooked up to the new home on September 15, 1998 and would work at both homes until September 30, 1998 when service would be disconnected from our home at 715 East 1st Street, Canton, SD.
3. On September 16, 1998 my husband called US West because our service was not connected as was promised. He was told that the order was never placed in the system. My husband was told that service would be hooked up on September 23, 1998.
4. On September 23, 1998 I arrived home and had a message on my answering machine from Gary at US West saying that he had bad news. He had gone to hook up our service and there were "problems" in the area and he could not hook up the line. He left a number I could reach him at 367-0292. I arrived home late on the evening of the 23rd so I called Gary on the morning of the 24th. He stated there were problems in the area of our home and he had to have engineers look at it before service could be hooked up. He was unsure of how long it would take. I asked for the name of his supervisor and I received the name of Harold Parlett at 339-5998. Harold was to call me back. Harold called me back and said I would not have service for an undetermined amount of time. They had to have engineers look at the area. I told him that was not acceptable because we were moving into our new home on September 25, 1998. He said he would check to try to speed things up and let me know. He returned my call at 8:05 am on September 25, 1998 and said he did not have an answer for me yet. I then called Steve Wegman and the Public Utilities Commission. He said he would do some checking to see if he could help me out.
5. I received a call from a Rick at US West. He was with the Delayed Services group. He stated that US West would provide me with a cellular phone. I explained I had a cellular phone but I did not receive service at our new home because of signal strength. He said I could try the phone over the weekend to see if the signal was strong enough. If the signal was strong enough they would forward our phone to the cellular phone on Monday, September 28, 1998. Rick informed me I could pick the phone up at CommNet located at 1011 West 41st Street in Sioux Falls. I asked Rick for his phone number so I could call him back and let him know if the phone was working. He said that the call was long distance and he would call me back. I told him I didn't care if it was long distance, but he insisted he would call me back. I also asked Rick when my regular service would be hooked up and he said next Friday (Oct 2). I then went to CommNet in Sioux Falls (30 miles from my home) only to find the cellular phone Rick promised was not there. I had no way to contact Rick since he wouldn't give me his number. I wasted 1 hour and drove 30 miles for nothing. On September 26, 1998 I again called CommNet and they had still not received the order from US West.
6. On September 28, 1998, I went to my old house that now had nothing there except a phone and an answering machine and sat on the floor to make phone calls. I called Colleen Seevold with US West at 605-335-4596. She said she would do some checking and get back to me. At 12:49 pm I received a call from Rick at US West. This time he gave me his phone number 651-229-7683 and said the cellular phone would be ready for pick up. I got the cellular phone that was provided and I could not call out. Every time I made a call I got a message to dial the area code, so I did that and then I got a message to dial 0, so I did that and still I couldn't make a call. I then called the local CommNet office and they had no idea what was wrong and they referred me to their 800 number. After calling the 800 number and going through a number of menu options then being disconnected and calling back and placed on hold for in excess of 10 minutes I talked to a David in key accounts. David

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explained that the cellular phones provided on US West's behalf are toll restricted to the local area code. He then checked with the technical support department to see where my calls were going. While he did this, I had to sit and wait. He called me back 15 minutes later and said my calls were going to a tower in Rock Rapids, IA and that was why I couldn't call anywhere. He agreed to lift the call restriction so I could make outgoing calls.

7. I had asked Rick from US West to find out how I could be reimbursed for all of the long distance calls I had made to US West and CommNet Cellular. He informed me that I could not be reimbursed for these calls.
8. On September 29, 1998 I talked to Rick from US West and told him to forward our phone number to my husband's place of business (since I didn't trust the cellular phone). I also asked him what the status of our new phone service being hooked up was. He looked in his computer and said he showed a date of October 30, 1998. I told him that he had told me on the 25th of September that the service would be hooked up by October 2nd. He then stated that he had meant engineering would be done by the 2nd of October and engineering was now finished and the new service date was October 30th.
9. On the evening of the 29th, I attempted to call our phone number to make sure the transfer worked. I got a message to say you must dial 1 when calling this number. When I dialed 1 I got the same message. I called someone else to see if they would try to call our number. They got the message that they needed to dial one when they already were because the call to my number was long distance for them.
10. On September 30th, I called Rick from US West and left a message. He called me back to say the forward was now working. When I asked him what the problem was he said the "switch for Canon is different". When I asked what different meant, he said it was a little harder to transfer. He said the person who needed to do the "switch" last night didn't know how to do it. I asked him why they turned off our old phone if they couldn't get the transfer to work and he said it was a two step process and they had to turn it off first. I told him I would have appreciated a call when the transfer didn't work. He said he had "done what he could" before he left work and had left it with someone he thought knew how to do the switch.
11. I also called Colleen Seevold with US West on September 30th to see if she could be of any assistance. I told her Rick had told me a date of October 30th for our phone service. She said she didn't know where he was getting that date and would call me back. She called me back and said the service should be hooked up by October 2nd.
12. The local installers came on October 1st and trenched the line for our service and by the end of the day on October 2nd our service was hooked up. Gary from US West (the installer) was very nice and helpful. He apologized for the delay and consulted with us for the placement of the service before trenching. He was the first representative from US West that was in any way helpful.

In closing I would like to add that this time without phone service was caused by US West error. It caused a great deal of hardship to my family and I. I spent many hours on the phone trying to get this mess fixed. All of the time spent was also during the busy time of moving to a new home. I also missed many phone calls. I had a number of people try to telephone the cellular phone and would just get ringing. I had been home all day and never heard the phone ring. I could not consistently make an outgoing phone call. I was on vacation the week of September 28-October 2 but had to make several trips to Sioux Falls (30 miles each way) to complete some work projects that I normally would have handled through fax or E-Mail which require phone service. If US West had been required to give me a brick type phone, I would not have had to make these trips. When I requested this type of phone I was told it was not in their contract with CommNet cellular to provide this type of phone. I feel phone service is also a life safety issue. I have a 3 month old son and I was very concerned that if something happened to him I would not be able to call for assistance.

F A X TRANSMISSION *from Consumer Affairs***To :** Susan Koopman**Company :** U S West Communications**Fax Number :** 8-800-366-2382**Date :** 10/26/98 **Time :** 2:37:40**From :** Leni Healy**Company :** South Dakota PUC**Fax Number :** 605.773.3809**Pages including cover page :** 5**Message:**

We have received the following information from Debra Esche as a formal complaint. Commission policy allows a short period in which the companies may informally resolve the issues. If such a resolution is reached by 4 PM on October 28, please inform us, otherwise the complaint will become docketed and scheduled for a Commission meeting.

Thanks.

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
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

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You may subscribe to the PUC mailing list at <http://www.state.sd.us/puc/puc.htm>

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING
BY DEBRA D. ESCHÉ, CANTON, SOUTH)	COMPLAINT AND CLOSING
DAKOTA, AGAINST U S WEST)	DOCKET
COMMUNICATIONS, INC. REGARDING)	
MISSED COMMITMENTS AND)	TC98-193
UNACCEPTABLE SERVICE)	

On October 26, 1998, the Public Utilities Commission (Commission) received a complaint filed by Debra D. Esche, Canton, South Dakota (Complainant), against U S WEST Communications, Inc. (U S WEST), regarding missed commitments and poor service. Complainant outlines a series of missed commitments by U S WEST in installing service for a newly constructed home and expense and inconvenience in attempting to obtain satisfactory service. Complainant requested reimbursement for long distance calls that were necessary, time that was spent dealing with the situation and that U S WEST produce a written policy addressing these problems.

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 November 25, 1998, at a 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 U S WEST. Based upon this communication from the Complainant, Commission Staff recommended that the complaint be dismissed and the docket closed.

Commission Staff asked the Commission to request the details of the settlement.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-13-1, 49-13-4, 49-13-13, 49-13-14 1, 49-31-3, 49-31-7, 49-31-7 1, 49-31-11, 49-31-60 through 49-31-68, inclusive, and ARSD 20 10 01 08 01 and 20 10 01 09. The Commission voted unanimously to dismiss the complaint and close the docket. The Commission further requested the details of the settlement. It is therefore

ORDERED, that this complaint be dismissed and the docket be closed; and it is

REQUESTED, that U S WEST furnish the details of this settlement to the Commission's executive director within two weeks of the date of this Order.

Dated at Pierre, South Dakota, this 4th 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 K. Kalko

Date: 12/8/98

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Neil Schoenfelder
LASKA SCHOENFELDER, Commissioner

0150904000



South Dakota Public Utilities Commission



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

December 23, 1998

Mr. Thomas J. Welk
Attorney at Law
Boyce, Murphy, McDowell & Greenfield
P. O. Box 5015
Sioux Falls, SD 57117-5015

Re: In the Matter of the Complaint filed by Debra D.
Esche, Canton, South Dakota, against U S WEST
Communications, Inc. Regarding Unacceptable Services
Docket TC98-193

Dear Tom:

Enclosed you will find copy of Order Dismissing Complaint and Closing Docket in the above captioned matter. You will note in the Order that U S WEST was to furnish the details of the settlement to the Commission's Executive Director within two weeks of the date of the Order. To date, we have not received the details of the settlement. Would you please contact your client and let us know when we can expect to receive it.

Thank you.

Very truly yours,

Camron Hoseck
Staff Attorney

CH dk
Enc.

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation:
Warehouse Division
Telephone (605)773-5280
FAX (605)773-3225

Consumer Hotline
1-800-332-1782

TTY Through
Relay South Dakota
1-800-877-1113

Internet
billbot@pac.state.sd.us

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Jim Berg
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Pam Nelson
Vice-Chairman

Laska Schoenfelder
Commissioner

William Bullard Jr.
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Camron Hoseck
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Telephone 605 336-2424
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J. W. Boyce (1884-1917)
John S. Murphy (1927-1964)

FACSIMILE TRANSMITTAL

TO: Cameron Hawick

FROM: Tom Wash - office

DATE: 12/29/98

PAGES: 2 (including cover sheet) BMMG File # 2104-0

RE: _____

COMMENTS: _____

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December 29, 1998

VIA FACSIMILE - 605-773-3809

Camron Hoseck
 SD Public Utilities Commission
 500 E. Capitol Avenue
 Pierre, SD 57501

Re: In the Matter of the Complaint Filed by Debra D. Esche, Canton, SD, against U S WEST Communications, Inc. Regarding Unacceptable Services (TC98-193)

Dear Camron:

This letter will acknowledge receipt of your letter dated December 23, 1998. I have sent your letter today to Colleen Sevoid for a response. I am going to be in Pierre from December 28 to December 30, 1998 in a hearing on another matter. I will ask Colleen to contact you directly to advise you as to the status of this matter.

Best regards,

Sincerely yours,

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

Tom Weik
 Thomas J. Weik

TJW/vij
 Enclosure

cc: Colleen Sevoid (via fax)

USWEST
COMMUNICATIONS ©

December 29, 1998

RECEIVED

JAN 05 1999

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

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

Dear Mr. Bullard:

RE: Docket TC98-193 - *Nidia Esche Complaint*

This letter is in response to Commission Staff's request regarding the above docket. A mutually satisfactory agreement was reached by both parties in this docket. The complainant's U S WEST account was credited with an amount of \$500.00.

Sincerely,



Colleen E. Sevold
Manager-Regulatory Affairs