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THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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IN THE MATTER OF THE COMPLAINT  
FILED BY SHERYL L. KLEIN,  
VALENTINE, NEBRASKA, AGAINST  
US WEST COMMUNICATIONS, INC.  
REGARDING POOR SERVICE AND  
REQUEST TO HAVE LINES UPDATED

TC98-183

=====

IN THE MATTER OF THE COMPLAINT  
FILED BY JOANN C. KLEIN,  
VALENTINE, NEBRASKA, AGAINST  
US WEST COMMUNICATIONS, INC.  
REGARDING POOR SERVICE AND  
REQUEST TO HAVE LINES UPDATED

TC98-184

=====

IN THE MATTER OF THE COMPLAINT  
FILED BY LAWRENCE KLEIN,  
VALENTINE, NEBRASKA, AGAINST  
US WEST COMMUNICATIONS, INC.  
REGARDING POOR SERVICE AND  
REQUEST TO HAVE LINES UPDATED

TC98-199

=====

IN THE MATTER OF THE COMPLAINT  
FILED BY MARGARET FIGERT,  
MISSION, SOUTH DAKOTA, AGAINST  
US WEST COMMUNICATIONS, INC.  
REGARDING POOR SERVICE AND  
REQUEST TO HAVE LINES UPDATED

TC98-212

=====

Transcript of Proceedings  
June 8, 1999

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Reported By Cheri McComsey Wittler, RPR

**PRECISION REPORTING**

**L I M I T E D**

Page 1

1 THE PUBLIC UTILITIES COMMISSION

2 OF THE STATE OF SOUTH DAKOTA

3 =====

4 IN THE MATTER OF THE COMPLAINT  
 FILED BY SHERYL L. KLEIN,  
 5 VALENTINE, NEBRASKA, AGAINST  
 US WEST COMMUNICATIONS, INC. TC98-183  
 6 REGARDING POOR SERVICE AND  
 REQUEST TO HAVE LINES UPDATED

7 =====

8 IN THE MATTER OF THE COMPLAINT  
 FILED BY JOANN C. KLEIN,  
 9 VALENTINE, NEBRASKA, AGAINST  
 US WEST COMMUNICATIONS, INC. TC98-184  
 10 REGARDING POOR SERVICE AND  
 REQUEST TO HAVE LINES UPDATED

11 =====

12 IN THE MATTER OF THE COMPLAINT  
 FILED BY LAWRENCE KLEIN,  
 13 VALENTINE, NEBRASKA, AGAINST  
 US WEST COMMUNICATIONS, INC. TC98-199  
 14 REGARDING POOR SERVICE AND  
 REQUEST TO HAVE LINES UPDATED

15 =====

16 IN THE MATTER OF THE COMPLAINT  
 FILED BY MARGARET FIGERT,  
 17 MISSION, SOUTH DAKOTA, AGAINST  
 18 US WEST COMMUNICATIONS, INC. TC98-212  
 19 REGARDING POOR SERVICE AND  
 REQUEST TO HAVE LINES UPDATED

20 =====

21 Transcript of Proceedings  
 22 June 8, 1999

23 =====

24 Reported By Cheri McComsey Wittler, RPR

25

Page 3

1 APPEARANCES BY TELEPHONE

2 Tom Forte, Technologies Management  
 Michele Singer, AT&T  
 3 Jerry Campbell, AT&T  
 Sandy Hofstetter, AT&T  
 Dave Blomquist, MidAmerican Energy  
 4 Deb Martin, MidAmerican Energy  
 Suzan Stewart, MidAmerican Energy  
 5 Beth Lewis, Williams Communications  
 Will Gault, Williams Communications  
 6 Bill Heaston, DTG  
 Roxann Basham, Black Hills Corporation  
 7 Denny Law, Sioux Valley Telephone  
 Loretta Calabro, Telec Consulting  
 8 Amy Ibis, FirstTel  
 Mary Lohnes, Midco Communications  
 9 Lawrence Klein  
 Margaret Figert  
 10 Lynn Peterson  
 Ed Berreth  
 11 Milton Klein  
 Loretta Spear

12 =====

13 TRANSCRIPT OF PROCEEDINGS, held in the  
 14 above-entitled matter, at the South Dakota State  
 Capitol, Room 412, 500 East Capitol Avenue, Pierre,  
 15 South Dakota, on the 8th day of June 1999,  
 commencing at 2:00 p.m.

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Page 2

1 BEFORE THE PUBLIC UTILITIES COMMISSION,  
 2 PAM NELSON, COMMISSIONER  
 LASKA SCHOENFELDER, COMMISSIONER

3 COMMISSION STAFF

4 Rolayne Ailts Wiest  
 Karen Cremer  
 Jeff Koerselman  
 5 Leni Healy  
 Shirleen Fugitt  
 6 Harlan Best  
 Dave Jacobsen  
 7 Bob Knadle  
 Gregory A. Rislov  
 8 Sue Cichos  
 William Bullard Jr.

9 APPEARANCES

10 Richard D. Coit, SDITC  
 Thomas J. Welk, US West  
 11 Colleen Sevold, US West  
 Edward Peters, US West

12 ALSO PRESENT

13 Dennis Nincehelsner  
 Tom Berkelman

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Page 4

1 COMMISSIONER NELSON: We'll go to  
 2 TC98-183, and that's US West again.

3 MS. AILTS WIEST: We'll take them  
 4 all being, I believe, 84, 99 and 212 plus the  
 5 addendum, the question on the addendum. I think  
 6 maybe we could start so US West can go first.

7 MR. WELK: This is Tom Welk again  
 8 for US West. Ed Peters is also with me on this.  
 9 We have filed on Friday a motion to extend the  
 10 deadline. Mr. Peters who if you know last week was  
 11 testifying before you in Sturgis and went to Utah  
 12 and was in Seattle, and on Friday when we filed the  
 13 Affidavit he had not had an opportunity to get  
 14 before a notary and today we have updated with a  
 15 couple of changes to the Affidavit and I have filed  
 16 that with the General Counsel.

17 It's an Affidavit signed under oath by  
 18 Mr. Peters with a couple of changes that he's  
 19 initialed. And essentially that Affidavit and the  
 20 motion request is an extension of deadline. This  
 21 Commission entered an order to on 5-21-99 requiring  
 22 that all work be done and all testing completed by  
 23 today.

24 Mr. Peters has filed an extensive Affidavit as  
 25 to the work that has been completed to date, the

1 testing that he has done since the last hearing,  
 2 and the anticipated work that needs to be done.  
 3 And I think the point that needs to be made here is  
 4 that US West is undertaking a rather broad effort  
 5 to work on this line.

6 The work that's being identified is not just  
 7 for these complainants. It's for all the people on  
 8 the line. In fact, some of the work that's  
 9 detailed does not relate to the complainants but  
 10 relates to all the people on this line.

11 So I have Mr. Peters available. There should  
 12 be sufficient copies of the Affidavit. It's been  
 13 executed today, and I'm assuming, General Counsel,  
 14 that's been filed with the record in support of the  
 15 motion?

16 MS. AILTS WIEST: The Affidavit's in  
 17 our record.

18 MR. WELK: The one I just filed  
 19 today, the new one?

20 MS. AILTS WIEST: We will file it.

21 MR. WELK: I have Mr. Peters here  
 22 again to explain -- because the Commission entered  
 23 an order, and we consider the Commission's order a  
 24 serious matter. We undertook a very diligent  
 25 effort since your order, and I've got Mr. Peters

1 A Yes. That's correct. I called the local manager  
 2 yesterday and got this figure from him. The contract  
 3 labor costs, those bills are continuing to come in as  
 4 they get paid and they get accrued to the job number  
 5 that this work is associated with.

6 We possibly could see some additional changes  
 7 in this number, but the current amount that we have paid  
 8 in subcontractor labor and also material is 37,585.

9 Q Now the last time before the Commission there was some  
 10 discussion about placing a cable; is that correct?

11 A Yes.

12 Q And what was the distance of the cable that was to be  
 13 placed the last time you testified or provided  
 14 information to the Commission?

15 A The main cable that we were replacing at that time was  
 16 6,300 feet.

17 Q That's what's referred to in paragraph 5A of your  
 18 Affidavit?

19 A Correct. We have replaced that and spliced it up, and  
 20 it's now working.

21 Q Was that done in connection with the deadline proposed  
 22 by the Commission it be done?

23 A Yes.

24 Q Why don't you tell the Commission besides getting the  
 25 cable placed what efforts did US West undertake since

1 here under oath willing to explain what we've done  
 2 since the hearing, what needs to be done and am  
 3 willing to call him as a witness and put him under  
 4 oath.

5 COMMISSIONER NELSON: You can do  
 6 that.

7 EDWARD A. PETERS,  
 8 called as a witness, being first duly sworn in the above  
 9 cause, testified under oath as follows:

10 EXAMINATION

11 BY MR. WELK:

12 Q You filed the Affidavit today before the Commission, and  
 13 this is essentially the Affidavit that was fax filed  
 14 with the Commission last week except for a couple of  
 15 changes; is that correct?

16 A That's correct.

17 Q And the changes on the Affidavit are made on Page 3 in  
 18 Paragraph 6D where the number of closures went from 50  
 19 to 40; is that correct?

20 A Yes. I believe that was a typo, and we just wanted to  
 21 make it consistent with the paragraph above that.

22 Q You also made a change on Page 4, Paragraph 8B, on the  
 23 amount of material and contract labor that had been  
 24 expended by US West. Initially it was 20,000. You have  
 25 now changed that to 37,585; is that correct?

1 the last meeting to try to accomplish what the  
 2 Commission ordered?

3 A We have done a number of cable replacements from very  
 4 small sized cables to larger sized cables. This  
 5 includes a 6,300 foot section of cable arc a 300 foot  
 6 section of cable. We also replaced a 5,500 foot section  
 7 of cable. A fourth area we replaced is a 1,500 foot  
 8 section of cable.

9 And throughout this period of time we have  
 10 continued to do testing and analysis of the route to  
 11 identify what work needs to be done out there. We are  
 12 continuing to look at individual closures, identify work  
 13 that may need to be done there. The work that we've  
 14 done includes going through and making sure that there's  
 15 correct electrical bonding at 10 of the closures and I  
 16 should say inspecting and actually doing electrical  
 17 bonding work at 10 closures.

18 And we have also determined that it would be  
 19 prudent to replace certain closures and their cable  
 20 loops to make sure that there's not going to be any  
 21 electrical shorting or opens or other problems on the  
 22 copper loops themselves.

23 At the time I wrote this we had done  
 24 approximately a half a dozen closures. We are now up --  
 25 as of this morning when I checked the work through

1 yesterday, we are up through a dozen closures and  
 2 possibly more that we have completed the work on.  
 3 Q The work that's being done, does it benefit just the  
 4 work for the complainants in this case?

5 A No. We are really looking at this as a wholeistic  
 6 opportunity to analyze the entire area, and we are  
 7 trying to identify what needs to be done to improve  
 8 service to all of the residents out in that area.

9 Q I note that there are -- there are complaints continuing  
 10 about the status of the service as the work is being  
 11 completed.

12 Is there any way that one can avoid having  
 13 problems with the line while the work is being done?

14 A Well, the work is being done to upgrade and enhance the  
 15 quality and the reliability of the service. Given the  
 16 fact that we are not satisfied with the level of service  
 17 that has previously been provided, if we did nothing,  
 18 the service would not be meeting standards. By doing  
 19 something we are improving the network so that it will  
 20 meet the standards.

21 Certainly as we go through and cut cable loops  
 22 and replace them with new loops and as we replace cable  
 23 and splice those cables into service there will continue  
 24 to be ongoing man-made caused impairments on the  
 25 services working in this area. Incidental to that, as

1 we go out and do normal repair work out in this area, we  
 2 will continue to impact service on the customers out in  
 3 this area.

4 This is all a necessary part of identifying  
 5 and fixing the problem out there and I expect that there  
 6 is still work that needs to be accomplished as I've  
 7 identified later in my Affidavit and we are trying to  
 8 get all of this stuff done and continue to do testing to  
 9 identify any other work that needs to be done so that we  
 10 can ensure that the quality of service will be brought  
 11 up to standard.

12 Q I wanted to tell the Commission then how does this route  
 13 compare to the Kieffer and the Spear route that we have  
 14 been dealing with on the other matters?

15 A I think, as noted in my original testimony on the first  
 16 hearing, this is probably one of the longest routes, if  
 17 not longest route, that we have in the South Dakota area  
 18 and probably could be said about much of our region. It  
 19 is approximately -- I believe it's approximately  
 20 45 miles to the longest point on this portion of the  
 21 route, and it's important to understand that we're  
 22 looking at a portion of the route that serves northeast  
 23 of Valentine and up into South Dakota.

24 The original route where it leaves Valentine  
 25 also continues. After it goes northeast a ways, it also

1 continues east and serves a large area out east of  
 2 Valentine as well. And I am not adding any of the  
 3 mileage for that route, that portion of the route. I'm  
 4 only looking at the most direct route here. So it is  
 5 about 45 miles to the end, compared to about 37 for  
 6 Kieffer.

7 When we add some of the side legs to pick up  
 8 all of the complainants and their neighbors this would  
 9 add a considerably additional amount of cable route,  
 10 mileage route, that we are analyzing and trying to fix.

11 Q When we went through the Kieffer route and had that  
 12 fixed and testing completed, how much time was afforded  
 13 to do the work as compared to the time that's been  
 14 provided in this matter?

15 A We had the hearing for Kieffer, I believe, in December.  
 16 We started the work immediately after the holidays,  
 17 January 2, and we were able to isolate and repair all of  
 18 the problems that we found on that route by the third  
 19 week of May and we were able to test on May 28 and  
 20 identify that we were within the service standards for  
 21 Kieffer.

22 So that was approximately five months. This  
 23 work we had the hearing in I believe it was early  
 24 February, and so we've had about a month less on doing  
 25 this work than we did for Kieffer.

1 Q One thing we put into the record about Kieffer and I  
 2 wanted to explain because Commissioner Schoenfelder  
 3 wasn't there and hasn't had an opportunity to review the  
 4 transcript, and that's the difficulty in analyzing and  
 5 testing.

6 Why is it so difficult? Why can't one just  
 7 put some sort of test device at the central office and  
 8 run it out to the complainants and see where the problem  
 9 is and fix it? Why is this analytically difficult?

10 A Most of the problems are electrical in nature, and  
 11 they're hard to identify. If you have a cut cable, it's  
 12 easy to see that you've got a cable that is cut and the  
 13 ends are severed and they're not making an electrical  
 14 connection.

15 But there are many other types of problems  
 16 that we can encounter on a cable route. For instance, I  
 17 put in my Affidavit that we just found a high resistance  
 18 open. This is an area where there's a break in the  
 19 copper pairs but the ends are lying next to each other.  
 20 And when they are touching the electrical current will,  
 21 in effect, pull those ends together as long as they're  
 22 making a good physical contact and will allow the  
 23 circuit to be completed.

24 As the weather gets colder, that copper, the  
 25 material properties of the copper causes the copper to

1 shrink and as it shrinks it pulls away from that  
 2 junction and it leaves a gap between the wires. So it  
 3 introduces either static and noise initially, or it can  
 4 allow the circuit to go open, which means there's no  
 5 service.

6 We have had an experience on this particular  
 7 one where we get a call in the morning and say I've got  
 8 trouble, my phone is out of service and I'm at the  
 9 neighbor's or the family member's and we go out to fix  
 10 it and as the day gets warmer, that copper expands again  
 11 and it makes contact and it becomes okay. It becomes  
 12 difficult to find those types of problems.

13 The other types of problems may be where you  
 14 have a bare spot of copper because the sheath has broken  
 15 and it's rubbing up against the metal on a closure or  
 16 the grounding bar and it's shorting out. But if  
 17 something moves that, and it may be something as minor  
 18 as the wind, it clears the trouble and it's hard to  
 19 find.

20 There's a lot of these type of problems. And  
 21 the way you find them is you try to do it by doing  
 22 electrical testing. For instance, if we run a  
 23 resistance test on a 5,000 foot section of cable, based  
 24 on the gauge of the cable we come up with a calculation  
 25 as to what we think the number should be. If we get

1 week of May 24, I believe it was on that Monday. I went  
 2 on Thursday of that week -- I actually went over on  
 3 Wednesday and did testing on Thursday of that week and  
 4 began to identify what additional work needed to be  
 5 done.

6 I was hoping at that point in time that all of  
 7 the cable problems would be resolved. Much to my  
 8 chagrin, I identified some additional cable problems in  
 9 the network. I guess it's not surprising, given the  
 10 vast length of the loops. But we did find some cable  
 11 sheaths in closures that had some deterioration on the  
 12 plastic insulation around the copper pairs.

13 And so I have directed the crews to go through  
 14 and not only replace the ones that were readily  
 15 identifiable but to go ahead and replace all of the ones  
 16 in the closures that are older and where there could be  
 17 problems, although we don't know for sure the point in  
 18 time that there are problems in each of those closures.

19 I think it's prudent that we go ahead and  
 20 repair all of those loops because it ensures we will be  
 21 able to deliver good quality service and it also ensures  
 22 we're not going to deliver good quality service today  
 23 and then this winter have additional problems because of  
 24 the weather with those particular closures. So my  
 25 recommendation has been that we go ahead and do all of

1 that number, it is assumed that that section of cable is  
 2 okay and we move on to the next section.

3 If we get a different number, then it would  
 4 appear that there is a problem somewhere in that  
 5 5,000 feet. The task then becomes getting to a point  
 6 where you can isolate it. In these rural routes you  
 7 don't have closures every 100 feet. They may be several  
 8 thousand feet apart. It becomes much more difficult to  
 9 isolate and identify where that difficult section is.

10 That's why it's necessary to do this work  
 11 sequentially. We go through, we do initial tests, we  
 12 fix the things we can find and then you have to go  
 13 through and do another set of tests. That sometimes  
 14 shows up with additional problems. We go through and  
 15 fix it. We do tests. We find more problems. And it  
 16 becomes a narrowing of isolating the troubles back as we  
 17 clear more and more troubles.

18 So that is the process that we use. It's a  
 19 process we're forced to use because of the physical  
 20 difficulty with the properties of the cable and the  
 21 electrical circuits.

22 Q After the Commission's last hearing in this matter or  
 23 last proceeding did you personally go down and help  
 24 inspect the work and determine what was going on?

25 A I did. I was actually up in South Dakota the entire

1 the loops at this point in time.

2 Q And that's going to take the additional time and the  
 3 work that's outlined in your Affidavit; is that correct?

4 A Yes. At this point in time we believe that it will take  
 5 us the amount of time that I have indicated, although,  
 6 we are continuing to try to find additional people that  
 7 we can move into the area.

8 We have already moved one technician from  
 9 Norfolk into Valentine to assist with this work, and  
 10 that is helping us to proceed expeditiously in getting  
 11 this work completed.

12 Q Are people working full time on this project?

13 A Yes, they are.

14 Q All the commitments that you made to the Commission and  
 15 Spear and Kieffer about the time line and the testing,  
 16 were all of those met?

17 A Yes, they were.

18 Q Do you have any reason now to believe that the timetable  
 19 that you are proposing to the Commission cannot be met?

20 A On this series of complaints in Valentine, Nebraska I  
 21 believe that we have already done significant work.  
 22 I've identified the additional work we have to do.

23 We're in the process of doing that. I believe with the  
 24 additional work that I've identified that with the  
 25 requested time we will be able to make that commitment

1 as well.

2 Q Do you anticipate there will be complaints about service

3 outages as this work progresses?

4 A I think until -- we can't guarantee the quality of

5 service until all of the work is done. As I indicated,

6 if we weren't doing the work, we would continue to have

7 complaints. I think that we will have continued

8 complaints until we complete all of the work. Part of

9 that will be because of the quality of the service

10 today. Part of it is because we will be out there

11 working on the lines, and that could potentially

12 interfere with service out there.

13 But it's a lot like having your car in the

14 garage getting work done. It's frustrating when it's

15 sitting in the garage for two weeks and the mechanic

16 keeps telling you I've got parts coming, I've got people

17 working on it, we found another part that needs to be

18 replaced, I've got it ordered.

19 It's hard to see the work that's been

20 completed, but substantial work has been completed out

21 there. And I believe we're close to the point in time

22 where we'll be able to roll the car out of the garage

23 and let someone take it for a test spin.

24 But we do need to finish completing the work

25 throughout before the whole thing will run. Much like a

1 car, if you don't have the water pump in the car,

2 everything else can be perfect, but you're not going to

3 be able to drive it. You've got to have that part in

4 place.

5 That's where we are now. We've got a lot of

6 the work done, but we've still got additional sections

7 of cable we've got subcontracted to contractors to do

8 the work and we've got people doing these additional

9 cable loops that I've identified and I believe we will

10 be able to roll out a good product when this work is

11 completed.

12 MR. WELK: That's all I have.

13 COMMISSIONER NELSON: Commissioner

14 Schoenfelder?

15 COMMISSIONER SCHOENFELDER: First of

16 all, I have some sympathy for the length of time

17 it's taking you because I understand the length of

18 the loop and that sort of thing. But what

19 assurance do we have or the people down there

20 have?

21 After all, they're the people who really need

22 the service, the people who are complaining and

23 their neighbors. And if you were not going to take

24 care of people other than the complainants, I would

25 have had a problem with that so I was glad to hear

1 you say you're taking care of everyone on those

2 routes.

3 But you've compared it to a car. If your

4 car's old enough and it doesn't run very well, I've

5 taken it to the garage and they fixed it up and the

6 damn thing broke down the next week. I want to

7 know what assurance I'm going to have this won't

8 break down next week.

9 I think the lengths of those loops and the

10 amount of system you have out there that you could

11 fix everything you could identify today, and

12 tomorrow you might have more problems. Have you

13 really considered replacing the whole system?

14 And I know you've testified before in the past

15 to the cost, but is there a cost benefit to

16 replacing that whole system as to trying to piece a

17 little bit of it at a time and patch it together

18 and try to get by? I'm really concerned about

19 that.

20 I don't think you can sit there and tell me

21 you know for sure it will work unless you've dug

22 every bit of it up and looked at it. I don't think

23 you can. I'm not a technician. I understand

24 that. I understand how things don't work.

25 THE WITNESS: I understand,

1 Commissioner. And certainly we want to make sure

2 that we can deliver quality service to our

3 customers. You asked me how I can be sure that

4 it's going to work. That's a little bit like

5 asking me to predict the future.

6 But I can say that these problems are very

7 similar to the problems that we have had on the

8 Kieffer complaint. The technology is very similar

9 to the technology that we've used on the Kieffer

10 service. The routes are very similar, although

11 this is much longer.

12 COMMISSIONER SCHOENFELDER:

13 Somebody's got a problem on the phone -- go ahead.

14 THE WITNESS: Although this route is

15 much longer, the technology is compatible with the

16 length of this route. We have demonstrated that we

17 can provide voice grade service over analog carrier

18 with both Mr. Kieffer and Mrs. Spear.

19 We have delivered on the promises that we made

20 with those two complaints. We have done objective

21 tests so it's not a matter of subjectively saying I

22 believe it's good quality service but we have done

23 the testing.

24 We have demonstrated that the service meets

25 standards, using that technology over comparable

1 type of a cable. So I believe that the work that  
2 we're doing here will yield the same results, and  
3 I'm committed to make sure that it does yield the  
4 same results.

5 COMMISSIONER SCHOENFELDER: Okay.  
6 Then I had an additional problem. I thought you  
7 told me that was size core in the hearing, not  
8 anaconda carrier.

9 THE WITNESS: There are areas in  
10 this particular route we have replaced some of the  
11 S689 with size core.

12 COMMISSIONER SCHOENFELDER: I  
13 thought one wasn't compatible with the other is why  
14 we couldn't get enhanced services on that line.

15 THE WITNESS: No. Size core is an  
16 analog carrier. It is compatible with other analog  
17 carriers. It's digital carriers that are  
18 incompatible.

19 COMMISSIONER SCHOENFELDER: What  
20 about the schools down there? If and when this is  
21 completely fixed and you have no more problems with  
22 noise and that thing, there are three rural  
23 education centers down there that the Governor's  
24 wired for the Internet.

25 It seems to me that people who live in areas

1 that are that isolated and kids in schools in those  
2 kinds of areas need access to communications more  
3 than kids in downtown Pierre or Sioux Falls or  
4 Seattle do.

5 THE WITNESS: First --

6 COMMISSIONER SCHOENFELDER: I'm  
7 struggling with what we're going to do for a policy  
8 around here when we're dealing with US West in this  
9 situation when we know what the cost is out there,  
10 however, the people out there really do need at  
11 least access to enhanced services and we can't seem  
12 to give it to them.

13 And sooner or later we have to have some kind  
14 of policy that says people who are isolated need to  
15 have access and how much that access is going to  
16 cost and how much US West is willing to put into  
17 that.

18 THE WITNESS: The issue of Internet  
19 access for schools obviously is a major issue.  
20 It's an issue not only for South Dakota. It's an  
21 issue for many of the western states that have  
22 large rural areas. It's an issue the FCC is  
23 dealing with.

24 One of the biggest issues they're dealing with  
25 is Universal service funding mechanisms and also

1 funding that is made available explicitly for  
2 schools, libraries, and so forth. To resolve that  
3 issue I think it needs to be done in a docket  
4 activity outside of an individual residence service  
5 complaint.

6 I don't believe that I can commit US West and  
7 this particular forum to a resolution as broad as  
8 that. I think it's an issue that needs to be  
9 addressed by this state.

10 I think it's an issue that we need to pull in  
11 what's happening in other states and what's  
12 happening in the federal government, what kind of  
13 funding may be available for Universal funds, what  
14 funding maybe available from Congress for money  
15 it's allocated for schools.

16 I think it's an issue and I would encourage  
17 this Commission to address it but I don't believe  
18 this is the appropriate place to do so.

19 COMMISSIONER SCHOENFELDER: I agree  
20 with you. This isn't the appropriate place to  
21 address the overall issue. It seems to me when  
22 we're making a substantial development in a network  
23 both in time and money in places like that we can't  
24 afford to go back every time and reinvest.

25 So it seems to me that when we fix stuff we

1 ought to fix it so that we have some look to the  
2 future when we're fixing it rather than just  
3 putting in the same old stuff.

4 And I don't expect it to be answered here, but  
5 I want you to know that's a big struggle for me,  
6 for me to say it's okay to put this stuff in the  
7 ground and we'll pay for it some way when we know  
8 it's not good enough. And that is very difficult  
9 for us to resolve here.

10 And, you know, I just -- I just see US West  
11 saying this is as good as it gets, and that's all  
12 we're going to do. So I have a problem with that,  
13 and I have a problem -- I don't mind giving you an  
14 extension if when you are finished I was absolutely  
15 certain those people this winter would have access  
16 to communications that wouldn't fail them when the  
17 blizzard comes and they have to go to school to get  
18 their kids.

19 I grew up in a place like that. I know how  
20 important it is to have that kind of  
21 communication. So that's the first issue here.  
22 But I don't think you can assure me of that even  
23 when you're finished here. That's what concerns  
24 me. And then we can't go the next step.

25 COMMISSIONER NELSON: I guess I'd

1 like to add something that in that I think these  
 2 people have been without service for a long time,  
 3 and it doesn't appear there's any end in near  
 4 sight.

5 I think that there's an element of risk here.  
 6 I think there's an element of liability. I think  
 7 it's a safety issue. I think it's a health issue.  
 8 And I think for people -- and you have been very  
 9 fortunate, and nothing terrible's happened out  
 10 there.

11 That doesn't mean tomorrow or tonight or the  
 12 next day that couldn't happen. And down the line  
 13 you know that system isn't working and we've taken  
 14 a long time to fix it, I just think in today's  
 15 world it's unrealistic to expect people to be out a  
 16 telephone.

17 A reliable telephone system in today's world  
 18 isn't an unrealistic expectation. These people  
 19 haven't had that. I'm, however, extremely  
 20 frustrated we haven't been able to find any  
 21 solution that's provided in the near future.

22 I've been in a situation we took my car to the  
 23 garage and the guy said, you know, Pam, this car's  
 24 had it. We've done everything to get it to run,  
 25 and at some point you have to recognize you have to

1 done.

2 The problem we're having now is it is into the  
 3 summertime. We do have people who have personal  
 4 lives who would like to take vacation time, and  
 5 we're trying to cover the vacancies with vacations  
 6 as well. So at this point in time we have found  
 7 the one person we have thought about from the  
 8 outside area.

9 We're trying to get at least another couple we  
 10 can bring in. As we sit here in this Commission  
 11 meeting I don't have assurance that we have yet  
 12 gotten that issue resolved. And so I am hesitant  
 13 to commit to a shorter time period on the basis  
 14 that we will have two other people over there,  
 15 although that is our desire.

16 And we would like to be able to do it quicker  
 17 rather than take the full time, but until I have a  
 18 firm commitment that we can get additional people  
 19 there, I'm concerned about anything less than the  
 20 time I've given to the Commission.

21 COMMISSIONER NELSON: I think  
 22 whether you intended to or not, you answered my  
 23 question. That question wasn't necessarily whether  
 24 or not you could get more people. The question  
 25 really centered on whether or not the people would

1 get a new car. I have several options. I could  
 2 get a horse-and-buggy or a model T, or I could buy  
 3 a brand new car or in between. Somehow I need new  
 4 transportation.

5 I guess I didn't like it, but I have to accept  
 6 that fact. No matter what we do here these people  
 7 still have a less than adequate system and it's  
 8 just not going to be reliable and we have to make a  
 9 different kind of a choice.

10 With that prefacing my question, I guess my  
 11 question really happens to be this: When you said  
 12 that you had allocated a technician, another  
 13 additional technician to work on this project,  
 14 would the addition of more technicians to work on  
 15 this project expedite the July 30 date?

16 THE WITNESS: Actually right now  
 17 we're in the process of trying to find additional  
 18 technicians. My preference is for the two  
 19 technicians that worked on Randy Kieffer's problem  
 20 in Sturgis. We're trying to work out getting  
 21 replacements for them so we can free them up.

22 They have both committed that they are willing  
 23 on a personal level to come over and spend two or  
 24 three weeks and hit it for seven days a week, hit  
 25 it hard, work long hours and try to get the work

1 expedite the answer to this problem. And I think  
 2 the answer to that is yes, indeed it would.

3 I guess I would say it's not these people's  
 4 problem that you have people who need vacation.  
 5 You didn't just hear about this problem. These  
 6 problems you didn't just hear about when they filed  
 7 the complaint. It seems to me prior to people  
 8 having to go to the length of filing a complaint  
 9 you had an opportunity over the last 35 or 40 years  
 10 to fix that system.

11 I think somewhere I read it was like 40 years  
 12 old, and it was aging. I'm not sure after reading  
 13 all of these complaints today that remark was made  
 14 necessarily about the Klein situation. It could  
 15 have been somebody else's.

16 At any rate, the system's very old. It's  
 17 probably, as testimony's indicated in the past,  
 18 reached its financial depreciation. So it seems  
 19 that, you know, you have choices here. You can  
 20 choose to solve these people's problem as  
 21 expeditiously as possible or you don't.

22 And these people are without reliable  
 23 telephone service and have been for a long time.  
 24 There's always that liability hanging out there if  
 25 something unforeseen happens to these people, and I



1 think you shoulder that responsibility. So I think  
 2 these people have every right from a monopoly  
 3 company to expect reliable telephone services  
 4 today.

5 And there are means for to you provide that.  
 6 There's a difference if you would have sat here and  
 7 told me physically you had everybody in your  
 8 company working on this project and still July 30  
 9 you wouldn't have the service done. You told me  
 10 it's a matter of whether or not you can commit  
 11 these people, whether or not you can get the  
 12 resources.

13 I guess if your people don't have it, you can  
 14 hire somebody else who does. You have those  
 15 options. These people are entitled to reliable  
 16 telephone services. They were entitled to them  
 17 being fixed today. Since you weren't willing to  
 18 commit those resources or the company isn't, those  
 19 people are still without services today, and we're  
 20 sitting here with this same problem.

21 And so I guess the answer to my question was,  
 22 yeah, you have some choices, and I guess I have to  
 23 consider that when I look at the July 30 date.

24 THE WITNESS: With all due respect,  
 25 Commissioner, the work that had previously been

1 cable replaced. We don't have reason to be sure,  
 2 but we think that Margaret Figert may be having  
 3 problems with the drop that serves her which is  
 4 quite a lengthy drop from the road to the house.  
 5 We would like to replace that to be sure that's not  
 6 causing a problem, much as we did with Mrs. Spear.

7 There is another customer out there, it is a  
 8 field trailer that is used by the hired help on the  
 9 Abbot's property, and we would like to go ahead and  
 10 replace that. They're not a complainant. We have  
 11 voluntarily undertaken that effort to make sure  
 12 service is good at that location as well.

13 And then these additional closures that I've  
 14 identified that needs to be done, we'd like to get  
 15 those replaced. We have made substantial  
 16 improvements on the number already. This is all  
 17 work that has been identified since the last  
 18 hearing, and we are continuing to try to really  
 19 clean up this whole route.

20 And I believe that when this work is done we  
 21 will have a cable system that will survive --  
 22 excuse me, will provide good quality service.

23 COMMISSIONER NELSON: Are you using  
 24 rebuilt parts to solve this problem too?

25 THE WITNESS: Doing the cable work

1 identified in the last hearing has been done by  
 2 this date. The work that we are looking to do is  
 3 additional work that we have identified since that  
 4 hearing.

5 And that is what we're asking for the  
 6 extension on is to not do work that the Commission  
 7 ordered us to have done today but to do additional  
 8 work that we have found to be necessary we didn't  
 9 know about previously.

10 COMMISSIONER NELSON: It wasn't like  
 11 you just today found out this wasn't working.

12 THE WITNESS: But you find more  
 13 problems as you continue to do the testing. That's  
 14 why I tried to explain the analysis part of it.  
 15 You go through, you fix problems, you do additional  
 16 testing and analysis on the route. You find  
 17 additional problems, and you go ahead and fix it.

18 We have gone through enough iterations now  
 19 that I do not believe that there is a possibility  
 20 of cable problems resulting after we get this last  
 21 round fixed, but we do need to get these last  
 22 portions fixed that I have identified on my  
 23 Affidavit.

24 We are in the process and we've already sublet  
 25 a contract to get another 4,000 foot section of

1 that's not necessary. That's off-the-shelf new  
 2 technology, new closures, new cable. We're using  
 3 everything new on the cable problem.

4 COMMISSIONER NELSON: On this  
 5 project does it include using rebuilt parts to make  
 6 this stuff work?

7 THE WITNESS: At this point in time  
 8 we have not identified any problems with the  
 9 carrier electronics. If we needed to replace a  
 10 repeater cart or a remote terminal housing or  
 11 whatever, we would use parts that are available.  
 12 Some of them probably would be rebuilt.

13 COMMISSIONER NELSON: Would you say  
 14 it would be probably as old as the stuff you've  
 15 been having to replace with rebuilt parts  
 16 elsewhere?

17 THE WITNESS: Well, analog carrier  
 18 parts have been built over a long period of time.  
 19 They're not currently being built. They would be  
 20 of some age. I don't know what that age would be.

21 I certainly don't want to infer that it would  
 22 be 20 or 30 years old. It may very well be much  
 23 newer than that, but I don't know the age on each  
 24 individual part that we might use that we haven't  
 25 used yet.

1 COMMISSIONER NELSON: Do you know at  
 2 which date that they quit making these parts  
 3 available new? How long ago was that?

4 THE WITNESS: I am personally not  
 5 sure when they stopped building those parts. I  
 6 would guess it may have been five or eight years  
 7 ago.

8 COMMISSIONER NELSON: Are there  
 9 other questions?

10 MS. CREMER: Camron was the attorney  
 11 on this so I'm just taking it from based on your  
 12 Affidavit. So could all this analysis and testing  
 13 have been done prior to the hearing?

14 THE WITNESS: As I indicated,  
 15 testing and analysis must be ongoing because you  
 16 cannot identify multiple problems at the same time.

17 MS. CREMER: Let me ask it this  
 18 way. You didn't have to wait until that hearing  
 19 was held in February to go out and look at this  
 20 system or whatever was done. You could have done  
 21 all of this originally based upon their initial  
 22 complaints; isn't that correct?

23 THE WITNESS: Testing can be done at  
 24 any time, that's true.

25 MS. CREMER: Okay. Do I understand

1 going to do a section throw, which is replacing the  
 2 cable and resplicing it, for us to notify every  
 3 single customer at that point in time means that  
 4 you call the first one and by the time you get  
 5 through calling the last one it might be  
 6 30 minutes of calling trying to let everyone know  
 7 that now we're going to do it.

8 So by the time you do it the first customer  
 9 has expected that work has already been done. So  
 10 they pick up the phone 30 minutes later thinking  
 11 they've had plenty of time for the work to be done  
 12 and they're out of service. It becomes a  
 13 problematic issue how much information you can  
 14 share.

15 I think we can certainly identify to the  
 16 people the days we are working on it. I think it  
 17 will be hard to identify the moment to moment when  
 18 we're working on it.

19 MS. CREMER: The obvious solution  
 20 there is tell them that it will be an hour and not  
 21 30 minutes. My other question is isn't that a  
 22 management problem and not really a customer  
 23 problem?

24 THE WITNESS: I don't know how to  
 25 answer that because I think the question is do you

1 correctly this poor service that the Kleins or  
 2 whoever else out there, they can expect that to  
 3 continue until the work is done, which may or may  
 4 not be July 30 and that's the best US West can get  
 5 this work done?

6 THE WITNESS: We would expect each  
 7 repair activity that we do to incrementally improve  
 8 the service. So I cannot say that it will be that  
 9 long before the service is up to where it should  
 10 be.

11 We certainly hope that we will be able to get  
 12 there sooner. I would like to do all of the  
 13 physical work before we go in and start doing  
 14 testing to make sure that we don't have problems  
 15 that occur afterwards.

16 MS. CREMER: Is there any reason  
 17 US West can't notify the customers that there will  
 18 be service disruptions? I think one of the bigger  
 19 complaints is they never know when they'll have  
 20 service.

21 THE WITNESS: That is something that  
 22 US West is willing to do with the customers, but  
 23 let me kind of explain what it is that you're  
 24 asking us to do.

25 When we go out and cut a cable because we're

1 want to put your resources on making multiple calls  
 2 to a whole bunch of customers all day long, or do  
 3 you want to put your resources on getting the  
 4 problems fixed? We've chosen the latter. If the  
 5 Commission directs us, we'll go --

6 MS. CREMER: How big of a crew?

7 THE WITNESS: Two full-time people  
 8 working on the cable work, plus two technicians  
 9 working on the service quality work.

10 MS. CREMER: When you were talking  
 11 about the open problem connection and the problem  
 12 being hot and cold and expanding or contracting, if  
 13 that carrier system were replaced, would that solve  
 14 the problem?

15 THE WITNESS: No.

16 MS. CREMER: And do I understand  
 17 that you or US West, their position is that these  
 18 people will continue to pay their local monthly  
 19 service, even though they don't have local monthly  
 20 service? Their service is very disrupted.

21 THE WITNESS: It's US West's policy  
 22 to give credit to customers who are without  
 23 service, the parameters that can best be explained  
 24 by Colleen Sevoid. We have a policy of giving  
 25 credit and I believe we have given credit to these

1 customers and we will continue to do so.  
 2 MS. CREMER: Listening to your  
 3 mechanic story about it being held up for two  
 4 weeks, isn't one of the differences here is I can  
 5 take my car to someone else if I don't like the  
 6 two-week wait and have it done faster? But that's  
 7 not really the case here.  
 8 They can't take their phone service somewhere  
 9 else and someone else who will do it faster, can  
 10 they?  
 11 THE WITNESS: Correct.  
 12 MS. CREMER: I have no idea what  
 13 staff has asked for, if staff has made a  
 14 recommendation. You were talking about not willing  
 15 to predict the future, but yet if you were to put a  
 16 new carrier system out there or new cable or  
 17 whatever is required, would you be more willing to  
 18 predict the future and its reliability?  
 19 THE WITNESS: That's a difficult  
 20 question to answer because any time you have  
 21 40 miles of cable it is always subject to having  
 22 disruptions, no matter how new it is. By virtue of  
 23 the fact that you have recently gone through and  
 24 done end-to-end testing on new cable and all of the  
 25 closure work is brand new splices, you have a

1 could take a year to replace this. Right now we  
 2 are looking at doing the job that will give quality  
 3 service in a shorter period of time, and that is  
 4 where I think the reliability comes in, not in  
 5 going out and junking everything we have and  
 6 starting over.  
 7 MS. CREMER: Do you want staff's  
 8 recommendation as to the motion now, or do you want  
 9 to wait until you hear from the Kleins?  
 10 COMMISSIONER NELSON: I guess I'd  
 11 like to hear from the Kleins.  
 12 MS. CREMER: Okay.  
 13 COMMISSIONER NELSON: Mr. Klein, are  
 14 you on?  
 15 MR. LAWRENCE KLEIN: Which Mr. Klein  
 16 do you want to talk to?  
 17 COMMISSIONER NELSON: Okay.  
 18 Lawrence.  
 19 MR. LAWRENCE KLEIN: It sounds to me  
 20 as if probably this is the best they can do and I  
 21 think maybe they're going to get the job done but I  
 22 don't think -- I kind of agree with him probably a  
 23 new system won't improve the liability anymore so  
 24 than upgrading the one we've got.  
 25 COMMISSIONER NELSON:

1 better degree of assurance that there's no problems  
 2 at that point in time.  
 3 But that is virtually what we're doing with  
 4 the existing cable. We are going through and doing  
 5 end-to-end testing. We are putting new cable loops  
 6 in. We are rebuilding splices. We are making it  
 7 like new even though the physical cable itself may  
 8 be older.  
 9 So I cannot say that a brand new cable -- and  
 10 I'm talking only cable, not the carrier part of  
 11 it -- is going to be any more reliable than this  
 12 cable when we get through doing that kind of  
 13 end-to-end testing and rehabilitation.  
 14 The thing that I'm concerned about is the way  
 15 questions have been asked of me today is the  
 16 assumption that a new system could be put in  
 17 overnight. That is not true. This is a lot like  
 18 going through and saying I can do a \$1,000 repair  
 19 job on my car but if I chose to junk it and not do  
 20 that repair job and I have to have a new one built,  
 21 I have to wait until a new one is done. I cannot  
 22 go down to the dealership and pick one up off the  
 23 lot.  
 24 For us to rebuild this system is going to take  
 25 an extensive period of time. I would guess it

1 Margaret Figert?  
 2 MS. FIGERT: Yes, ma'am.  
 3 COMMISSIONER NELSON: Do you have  
 4 anything you'd like to add?  
 5 MS. FIGERT: (Inaudible) I had no  
 6 service June 2. I had no service in the afternoon  
 7 of June 4, the evening of June 4, and the morning  
 8 of June 5, evidently because it rained. I don't  
 9 know.  
 10 US West wants our money every month, and I  
 11 know stockholders are important but so are  
 12 customers. How about satellite service? Junk the  
 13 whole thing and put up a satellite.  
 14 COMMISSIONER NELSON: Any other --  
 15 MS. FIGERT: I don't know what else  
 16 to say. It's still not working. It's working  
 17 sporadically. Let's put it that way.  
 18 COMMISSIONER NELSON: Milton, are  
 19 you on?  
 20 MR. KLEIN: It may be operational  
 21 today, but this morning at 9:30 to 10:45 --  
 22 (Inaudible).  
 23 COMMISSIONER NELSON: Milton, talk  
 24 closer to the mic.  
 25 MR. KLEIN: We're still very

1 dissatisfied with our phone service. Since the  
2 last Public Utility Commission meeting on May 12  
3 we've experienced almost continuous phone outage.

4 Common problems are no dial tone, unsolicited  
5 operator recordings, phone off the hook beeps. We  
6 try to call and get a busy signal. The phone would  
7 ring once and a terrible noise would follow.  
8 Oftentimes these problems would occur at times not  
9 associated with -- (Inaudible).

10 The morning of June 3, 1999 the US West repair  
11 technician changed us from a different (Inaudible)  
12 to the long distance system we've been on. Still  
13 having some difficulty cutting off -- (Inaudible)  
14 incoming call -- (Inaudible). I'd like to be  
15 optimistic that our problems are resolved but  
16 the -- (Audible).

17 It also happens that those neighbors still  
18 left on the subsystem 44 experienced terrible  
19 system (Inaudible). The problem needs to be  
20 addressed immediately. Had US West testing and  
21 repairs began soon after we brought the problems to  
22 their attention, perhaps they would have been --  
23 (Inaudible) by the Public Utilities Commission and  
24 their staff.

25 What does this tell us about the long --

1 following that path of -- (Inaudible). It still is  
2 not fixable as evidenced by all of the facts that  
3 have been presented, at least from our  
4 perspective. (Inaudible) -- considering the idea  
5 of a whole new system. (Inaudible) -- with the  
6 notion that the system could work better that you  
7 and I both know if you buy a new car with a  
8 warranty, you have a lot less problems versus a car  
9 that has some miles on it.

10 The whole dialogue about fixing the old system  
11 so maybe some day it will fix -- (Inaudible) -- the  
12 realm of craziness. If US West indeed does get it  
13 fixed by July 30, let's say next winter we start  
14 experiencing the same old problems, so then another  
15 series of six or seven months we have to go through  
16 all of these (Inaudible) without service, running  
17 the risk of life-threatening injury, death --  
18 (Inaudible) help out near this rural area?

19 When I talk about it I get upset. I really  
20 strongly urge the Commission, the only protectors  
21 we have, (Inaudible) large corporation, evidence  
22 that the large corporation doesn't want to go the  
23 extra mile, so to speak, to meet our needs.

24 I plead with members of the Commission to look  
25 at this from a different perspective of putting an

1 (Inaudible) system the South Dakota Public Utility  
2 Commission and (Inaudible) replaced.

3 COMMISSIONER NELSON: Thank you,  
4 Mr. Klein. Is there anything else you would like  
5 to add?

6 Sheryl, are you there too? Sheryl Klein?

7 MS. KLEIN: Hello.

8 COMMISSIONER NELSON: Who is this?

9 MS. KLEIN: Sheryl Klein.

10 COMMISSIONER NELSON: Try to talk  
11 into the phone.

12 MS. KLEIN: I sent up a one-page  
13 statement. Do you have that?

14 COMMISSIONER NELSON: Right. We do.

15 MS. KLEIN: I'm not going to read  
16 it. I guess it's sort of repetitive of what my  
17 husband said. Given what I've heard in testimony  
18 this afternoon, this whole matter and the context  
19 is just almost 40 years old, and it financially  
20 depreciated at 30 years, an old decrepid system  
21 that US West tried and, I believe, repeatedly fixed  
22 over months and years. How could any reasonable  
23 prudent person conclude that the system is  
24 fixable?

25 I just find that astounding that we're still

1 entire new system not only here but elsewhere in  
2 the state (Inaudible) fellow citizens. It's only a  
3 matter of quality of life.

4 COMMISSIONER NELSON: Well, I think  
5 we're kind of between a rock and a hard spot here  
6 because that I think Mr. Peters' point about even  
7 if they did put in a brand new system, your  
8 problems are not going to be solved for probably  
9 another year anyway.

10 And that's assuming everything went without  
11 any kind of problems, which hasn't been my  
12 experience around here. Even if we did that, you  
13 wouldn't have necessarily real reliable service in  
14 the interim.

15 MS. KLEIN: I understand that --  
16 (Inaudible) disruptions with putting into a system,  
17 but I for one would be willing to suck it up and  
18 tough it out, the long-term process for having a  
19 new system (Inaudible) service, 40 years down the  
20 line, a lot better deal than this -- (Inaudible).

21 COMMISSIONER NELSON: Would we like  
22 to hear from staff.

23 MS. CREMER: We'll give you staff's  
24 recommendation. In Mr. Peters' Affidavit US West  
25 admits it wasn't until after the hearing that

1 concluded in February that US West undertook a  
 2 significant effort to test the cable and carrier  
 3 system. Yet US West has known for quite awhile  
 4 these problems have existed.

5 US West should not be rewarded for dragging  
 6 its feet by granting extension without invoking  
 7 provisions of SDCL 49-31-48. Therefore, staff  
 8 would recommend a fine for \$1,000 each day for each  
 9 day after June 8 until the work is completed.

10 As a further note, I would point out we run  
 11 the risk of assessing the cost back to the consumer  
 12 as of July 1, 1999.

13 THE WITNESS: May I respond?

14 COMMISSIONER NELSON: Sure.

15 THE WITNESS: Since it is my  
 16 Affidavit, I take issue with the characterization  
 17 that we admitted that we did not do any testing  
 18 until after the Commission hearing. That is not  
 19 true. We have done ongoing testing and analysis of  
 20 this route.

21 What I admitted in the Affidavit is that we  
 22 have continued to do testing, that I personally did  
 23 testing after the date, and I will accept that that  
 24 is the truth. But we have people that have worked  
 25 on this since February. And the testing that I was

1 that. It says statewide or regional as the  
 2 Commission can determine.

3 COMMISSIONER NELSON: It also says  
 4 voice grade, and so far we don't have that either.

5 MR. WELK: Are we playing a game  
 6 trying to beat a legislative deadline? I thought  
 7 we were trying to get these people good service.  
 8 Are we playing some game about the effective date?  
 9 I thought our purpose was to provide good service  
 10 to the people.

11 MS. CREMER: You had the July 30  
 12 date, Mr. Welk, not me.

13 COMMISSIONER NELSON: At this time I  
 14 think we'll take about a five-minute recess so we  
 15 can talk to our attorney, and then we'll be back.

16 (A short break is taken)

17 COMMISSIONER SCHOENFELDER: Madam  
 18 Chairman, I have a motion.

19 COMMISSIONER NELSON: Make your  
 20 motion.

21 COMMISSIONER SCHOENFELDER: I would  
 22 move in the four complaints that we classify as  
 23 the Klein complaints that we do allow US West to  
 24 have the July 30 extension. However, if as of  
 25 July 30 -- and I want this stated in the motion.

1 talking about that was done after the Commission's  
 2 last hearing was the latest round of testing. It  
 3 is not the only testing that was done.

4 COMMISSIONER NELSON: Staff?

5 MS. CREMER: Well, it's his  
 6 Affidavit, Page 2, Paragraph 2. It's in there.

7 MR. WELK: It's also in the record  
 8 what happened before, Counsel. I'm just telling  
 9 you the record speaks for itself.

10 MS. CREMER: I would agree with you,  
 11 Mr. Welk.

12 MS. KLEIN: Would someone repeat to  
 13 me the part about assessing costs back to the  
 14 consumer. I didn't catch all of that.

15 MS. CREMER: There's a law that goes  
 16 into effect July 1, 1999 that allows -- and I don't  
 17 have it here in front of me -- costs to be assessed  
 18 back to the consumer over -- what did you end up  
 19 with, Mr. Welk, a five-year period?

20 MR. WELK: It says not to exceed  
 21 10 years.

22 THE WITNESS: But that's not to the  
 23 individual consumers on a particular project.  
 24 That's to the entire rate base; is that true?

25 MR. WELK: It's technically not

1 If as of July 30 they cannot certify to us that all  
 2 of the problems there have been solved, then  
 3 Commission will issue an order to show cause for  
 4 US West why they should not be fined \$1,000 a day  
 5 for each of the four complaints until those  
 6 problems are solved.

7 In addition I would move that sometime after  
 8 July 30 that we open a new hearing or as an  
 9 addendum to the hearing of the four hearings that  
 10 we go to Mission, have a new hearing and take  
 11 testimony from the complainants about their quality  
 12 of service and find out whether the system really  
 13 is working.

14 COMMISSIONER NELSON: I would  
 15 concur.

16 MR. WELK: Commissioner, can I have  
 17 one question and a clarification?

18 COMMISSIONER SCHOENFELDER: Yes.

19 MR. WELK: We've used these design  
 20 criteria in Kieffer and Spear, and do you want us  
 21 to maintain the consistency of those design  
 22 criteria so we come back here -- I want to make  
 23 sure we know we're going to come back here, the  
 24 tests on July 30 have to be the same tests we ran  
 25 in Kieffer and Spear and we're dealing with the

1 same criteria --  
 2 COMMISSIONER SCHOENFELDER: I don't  
 3 understand the technology, but I want them to have  
 4 access to have reliable voice grade service down  
 5 there, and I want them to be within a reasonable  
 6 voice grade.

7 I want testimony from them as we reopen the  
 8 hearing. But I want to make sure that your tests  
 9 at least meet standards and that those people have  
 10 reliable service in that area.

11 MR. WELK: Okay.

12 COMMISSIONER SCHOENFELDER: I'm not  
 13 adding advanced services to that at this time.  
 14 However, I reserve my right to do that some day.

15 COMMISSIONER NELSON: Just so it's  
 16 clear, the tests that you have to really meet is  
 17 that these people are satisfied with their quality  
 18 of voice grade service.

19 MR. WELK: It's a subjective test  
 20 then?

21 COMMISSIONER NELSON: Well, you can  
 22 have standards which I think they should meet.  
 23 Also if they don't have any phones and they can't  
 24 rely on the phone, I mean -- although when you  
 25 tested you had an acceptable standard, but if they

1 STATE OF SOUTH DAKOTA )  
 2 :SS CERTIFICATE  
 3 COUNTY OF HUGHES )  
 4

5 I, CHERI MCCOMSEY WITTLER, Registered  
 6 Professional Reporter and Notary Public in and for  
 7 the State of South Dakota:

8 DO HEREBY CERTIFY that as the duly-appointed  
 9 shorthand reporter, I took in shorthand the  
 10 proceedings had in the above-entitled matter on the  
 11 8th day of June 1999, and that the attached is a  
 12 true and correct transcription of the proceedings  
 13 so taken.

14 Dated at Pierre, South Dakota this 16th day  
 15 of June 1999.

16  
 17  
 18 \_\_\_\_\_  
 19 Cheri McComsey Wittler,  
 20 Notary Public and  
 21 Registered Professional Reporter

1 still have all of these outages, that's not  
 2 acceptable.

3 MR. WELK: I want to make sure the  
 4 Commission understands we will have the results.

5 COMMISSIONER SCHOENFELDER:  
 6 Absolutely. Yes. There are two separate motions.  
 7 Actually it's a two-part motion. You understood  
 8 that?

9 MR. WELK: Yes.

10 COMMISSIONER SCHOENFELDER: We will  
 11 reopen the original compliant hearing so we can  
 12 hear from the complainants. But I want assurance  
 13 from US West, otherwise, the fine will be imposed.

14 We've talked about fines in this issue  
 15 before. And the reason that I did not make the  
 16 motion today to impose the fine standing today is  
 17 because it seems to me that you're identifying new  
 18 problems down there, and I want you to go forward  
 19 and identify new problems if you have them.

20 And I think that you have the technical  
 21 expertise to do that. I certainly don't, but I can  
 22 find someone if we need one.  
 23  
 24  
 25

<b>-\$-</b>			<b>5-21-99</b> [1] 4:21	<b>addendum</b> [3] 4:5	29:24 31:16 33:12	<b>assist</b> [1] 16:9
<b>\$1,000</b> [3] 38:18	45:8 48:4		<b>50</b> [1] 6:18	4:5 48:9	33:21 34:12 36:2	<b>associated</b> [2] 7:5
<b>-1-</b>			<b>500</b> [1] 3:14	<b>adding</b> [2] 11:2	37:24 43:2 43:16	41:9
<b>1</b> [2] 45:12 46:16			<b>5A</b> [1] 7:17	49:13	46:14 48:1 50:1	<b>assumed</b> [1] 14:1
<b>1,500</b> [1] 8:7			<b>-6-</b>			<b>assuming</b> [2] 5:13
<b>10</b> [3] 8:15 8:17			<b>6,300</b> [2] 7:16	<b>addition</b> [2] 26:14	26:12	44:10
46:21			8:5	<b>additional</b> [21] 7:6	13:4 47:23	<b>assumption</b> [1] 38:16
<b>100</b> [1] 14:7			<b>6D</b> [1] 6:18	11:9 14:14 15:4	<b>allows</b> [1] 46:16	<b>assurance</b> [5] 18:19
<b>10:45</b> [1] 40:21			<b>-8-</b>			19:7 27:11 38:1
<b>12</b> [1] 41:2			<b>8</b> [2] 1:22 45:9	15:8 15:23 16:2	<b>almost</b> [2] 41:3	<b>assure</b> [1] 24:22
<b>16th</b> [1] 51:14			<b>84</b> [1] 4:4	16:6 16:22 16:24	42:19	<b>astounding</b> [1] 42:25
<b>1999</b> [7] 1:22 3:15			<b>8B</b> [1] 6:22	18:6 18:8 21:6	<b>also</b> [14] 2:12 4:8	<b>AT&amp;T</b> [3] 3:2
41:10 45:12 46:16			<b>8th</b> [2] 3:15 51:11	26:13 26:17 27:18	6:22 7:8 8:6	<b>attached</b> [1] 51:11
51:11 51:15			<b>-9-</b>			<b>attention</b> [1] 41:22
<b>-2-</b>			<b>99</b> [1] 4:4	<b>address</b> [2] 23:17	8:18 10:25 10:25	<b>attorney</b> [2] 33:10
<b>2</b> [4] 11:17 40:6			<b>9:30</b> [1] 40:21	23:21	15:21 22:25 41:17	47:15
46:6 46:6			<b>-A-</b>			<b>Audible</b> [1] 41:16
<b>20</b> [1] 32:22			<b>Abbot's</b> [1] 31:9	<b>addressed</b> [2] 23:9	46:7 47:3 49:23	<b>available</b> [6] 5:11
<b>20,000</b> [1] 6:24			<b>able</b> [10] 11:17 11:19	41:20	<b>although</b> [6] 15:17	23:1 23:13 23:14
<b>212</b> [1] 4:4			15:21 16:25 17:22	<b>adequate</b> [1] 26:7	16:5 20:10 20:14	32:11 33:3
<b>24</b> [1] 15:1			18:3 18:10 25:20	<b>admits</b> [1] 44:25	27:15 49:24	<b>Avenue</b> [1] 3:14
<b>28</b> [1] 11:19			27:16 34:11	<b>admitted</b> [2] 45:17	<b>always</b> [2] 28:24	<b>avoid</b> [1] 9:12
<b>2:00</b> [1] 3:15			<b>about</b> [32] 7:10	45:21	37:21	<b>away</b> [1] 13:1
<b>-3-</b>			9:10 10:18 11:5	<b>advanced</b> [1] 49:13	<b>amount</b> [5] 6:23	<b>awhile</b> [1] 45:3
<b>3</b> [2] 6:17 41:10			11:5 11:24 12:1	<b>Affidavit</b> [19] 4:13	7:7 11:9 16:5	<b>-B-</b>
<b>30</b> [16] 26:15 29:8			16:15 17:2 19:18	4:15 4:17 4:19	19:10	<b>bar</b> [1] 13:16
29:23 32:22 34:4			21:20 27:7 27:19	4:24 5:12 6:12	<b>anaconda</b> [1] 21:8	<b>bare</b> [1] 13:14
35:6 35:10 35:21			28:5 28:6 28:14	6:13 6:17 7:18	<b>analog</b> [4] 20:17	<b>base</b> [1] 46:24
42:20 43:13 47:11			30:9 36:11 37:3	10:7 12:17 16:3	21:16 21:16 32:17	<b>based</b> [3] 13:23
47:24 47:25 48:1			37:14 38:14 40:12	30:23 33:12 44:24	<b>analysis</b> [6] 8:10	33:11 33:21
48:8 48:24			41:25 43:10 43:19	45:16 45:21 46:6	30:14 30:16 33:12	<b>Basham</b> [1] 3:6
<b>300</b> [1] 8:5			44:6 46:1 46:13	<b>Affidavit's</b> [1] 5:16	33:15 45:19	<b>basis</b> [1] 27:13
<b>35</b> [1] 28:9			47:8 47:14 48:11	<b>afford</b> [1] 23:24	<b>analytically</b> [1] 12:9	<b>beat</b> [1] 47:6
<b>37</b> [1] 11:5			<b>above</b> [2] 6:8	<b>afforded</b> [1] 11:12	<b>analyze</b> [1] 9:6	<b>becomes</b> [6] 13:11
<b>37,585</b> [2] 6:25			6:21	<b>after</b> [13] 10:25	<b>analyzing</b> [2] 11:10	13:11 14:5 14:8
7:8			<b>above-entitled</b> [2] 3:14 51:10	11:16 14:22 18:21	12:4	14:16 35:12
<b>-4-</b>			<b>absolutely</b> [2] 24:14	28:12 30:20 41:21	<b>answer</b> [5] 28:1	<b>beeps</b> [1] 41:5
<b>4</b> [3] 6:22 40:7			50:6	44:25 45:9 45:18	28:2 29:21 35:25	<b>began</b> [2] 15:4
<b>4,000</b> [1] 30:25			<b>accept</b> [2] 26:5	45:23	37:20	41:21
<b>40</b> [6] 6:19 28:9			45:23	<b>afford</b> [1] 23:24	<b>answered</b> [2] 24:4	<b>benefit</b> [2] 9:3
28:11 37:21 42:19			<b>acceptable</b> [2] 49:25	<b>afforded</b> [1] 11:12	27:22	19:15
44:19			50:2	<b>after</b> [13] 10:25	<b>anticipate</b> [1] 17:2	<b>Berkelman</b> [1] 2:13
<b>412</b> [1] 3:14			<b>access</b> [7] 22:2	11:16 14:22 18:21	<b>anticipated</b> [1] 5:2	<b>Berreth</b> [1] 3:10
<b>44</b> [1] 41:18			22:11 22:15 22:15	28:12 30:20 41:21	<b>anyway</b> [1] 44:9	<b>best</b> [4] 2:6 34:4
<b>45</b> [2] 10:20 11:5			22:19 24:15 49:4	44:25 45:9 45:18	<b>apart</b> [1] 14:8	36:23 39:20
<b>49-31-48</b> [1] 45:7			<b>accomplish</b> [1] 8:1	45:23 46:1 48:7	<b>appear</b> [2] 14:4	<b>Beth</b> [1] 3:5
<b>-5-</b>			<b>accomplished</b> [1] 10:6	<b>afternoon</b> [2] 40:6	25:3	<b>better</b> [3] 38:1
<b>5</b> [1] 40:8			<b>accrued</b> [1] 7:4	42:18	<b>APPEARANCES</b> [2] 2:9 3:1	43:6 44:20
<b>5,000</b> [2] 13:23			<b>activity</b> [2] 23:4	<b>afterwards</b> [1] 34:15	<b>appropriate</b> [2] 23:18	<b>between</b> [3] 13:2
14:5			34:7	<b>again</b> [4] 4:2	23:20	26:3 44:5
<b>5,500</b> [1] 8:6			<b>actually</b> [5] 8:16	4:7 5:22 13:10	<b>arc</b> [1] 8:5	<b>big</b> [2] 24:5 36:6
			14:25 15:2 26:16	13:15	8:5	<b>bigger</b> [1] 34:18
			50:7	1:9 1:14 1:18	9:8 9:25 10:1	<b>biggest</b> [1] 22:24
			<b>add</b> [5] 11:7 11:9	13:15 1:14 1:18	10:3 10:17 11:1	<b>Bill</b> [1] 3:6
			25:1 40:4 42:5	<b>age</b> [3] 32:20 32:20	12:18 16:7 27:8	<b>bills</b> [1] 7:3
				32:23	43:18 49:10	<b>bit</b> [3] 19:17 19:22
				<b>aging</b> [1] 28:12	<b>areas</b> [4] 21:9 21:25	20:4
				<b>ago</b> [2] 33:3 33:7	22:2 22:22	<b>Black</b> [1] 3:6
				<b>agree</b> [3] 23:19 39:22	<b>assessed</b> [1] 46:17	
				46:10	<b>assessing</b> [2] 45:11	
				<b>ahead</b> [6] 15:15 15:15 20:13	46:13	
				15:19 15:25 20:13		
				30:17 31:9		
				<b>Ailts</b> [4] 2:3 4:3		
				5:16 5:20		
				<b>all</b> [35] 4:4 4:22		
				4:22 5:7 5:10		
				9:8 10:4 10:8		
				11:8 11:17 15:6		
				15:15 15:20 15:25		
				16:14 16:16 17:5		
				17:8 18:12 18:16		
				18:21 24:11 28:13		

<b>blizzard</b> [1] 24:17	32:17 36:13 37:16	<b>Coit</b> [1] 2:10	<b>complainants</b> [8] 5:7 5:9 9:4	<b>contractors</b> [1] 18:7
<b>Blomquist</b> [1] 3:3	38:10 45:2	<b>cold</b> [1] 36:12	11:8 12:8 18:24	<b>copies</b> [1] 5:12
<b>Bob</b> [1] 2:7	<b>carriers</b> [2] 21:17	<b>colder</b> [1] 12:24	48:11 50:12	<b>copper</b> [8] 8:22
<b>bonding</b> [2] 8:15	21:17	<b>Colleen</b> [2] 2:11	<b>complaining</b> [1] 18:22	12:19 12:24 12:25
8:17	<b>cart</b> [1] 32:10	36:24	<b>complaint</b> [8] 1:4	12:25 13:10 13:14
<b>brand</b> [4] 26:3	<b>case</b> [2] 9:4 37:7	<b>coming</b> [1] 17:16	1:8 1:13 1:17	<b>core</b> [3] 21:7 21:11
37:25 38:9 44:7	<b>catch</b> [1] 46:14	<b>commencing</b> [1] 3:15	20:8 23:5 28:7	21:15
<b>break</b> [3] 12:18	<b>caused</b> [1] 9:24	<b>Commission</b> [29] 1:1 2:1 2:3	28:8	<b>corporation</b> [3] 3:6
19:8 47:16	<b>causes</b> [1] 12:25	4:21 5:22 6:12	<b>complaints</b> [12] 9:9	43:21 43:22
<b>bring</b> [1] 27:10	<b>causing</b> [1] 31:6	6:14 7:9 7:14	16:20 17:2 17:7	<b>correct</b> [12] 6:15
<b>broad</b> [2] 5:4	<b>centered</b> [1] 27:25	7:22 7:24 8:2	17:8 20:20 28:13	6:16 6:19 6:25
23:7	<b>centers</b> [1] 21:23	10:12 16:14 16:19	33:22 34:19 47:22	7:1 7:10 7:19
<b>broke</b> [1] 19:6	<b>central</b> [1] 12:7	23:17 27:10 27:20	47:23 48:5	8:15 16:3 33:22
<b>broken</b> [1] 13:14	<b>certain</b> [2] 8:19	30:6 36:5 41:2	<b>complete</b> [1] 17:8	37:11 51:12
<b>brought</b> [2] 10:10	24:15	41:23 42:2 43:20	<b>completed</b> [11] 4:22	<b>correctly</b> [1] 34:1
41:21	<b>certainly</b> [6] 9:21	43:24 45:18 47:2	4:25 9:2 9:11	<b>cost</b> [5] 19:15 19:15
<b>building</b> [1] 33:5	20:1 32:21 34:11	48:3 50:4	11:12 12:23 16:11	22:9 22:16 45:11
<b>built</b> [3] 32:18 32:19	35:15 50:21	<b>Commission's</b> [3] 5:23 14:22 46:1	17:20 17:20 18:11	<b>costs</b> [3] 7:3 46:13
38:20	<b>CERTIFICATE</b> [1] 51:2	<b>Commissioner</b> [54] 2:1 2:2 4:1	45:9	46:17
<b>Bullard</b> [1] 2:8	<b>certify</b> [2] 48:1	6:5 12:2 18:13	<b>completely</b> [1] 21:21	<b>Counsel</b> [3] 4:16
<b>bunch</b> [1] 36:2	51:8	18:13 18:15 20:1	<b>completing</b> [1] 17:24	5:13 46:8
<b>busy</b> [1] 41:6	<b>chagrin</b> [1] 15:8	20:12 21:5 21:12	<b>compliant</b> [1] 50:11	<b>COUNTY</b> [1] 51:3
<b>buy</b> [2] 26:2 43:7	<b>Chairman</b> [1] 47:18	21:19 22:6 23:19	<b>concerned</b> [3] 19:18	<b>couple</b> [4] 4:15
	<b>change</b> [1] 6:22	24:25 27:21 29:25	27:19 38:14	4:18 6:14 27:9
	<b>changed</b> [2] 6:25	30:10 31:23 32:4	<b>concerns</b> [1] 24:23	<b>cover</b> [1] 27:5
	41:11	32:13 33:1 33:8	<b>conclude</b> [1] 42:23	<b>craziness</b> [1] 43:12
<b>-C-</b>	<b>changes</b> [5] 4:15	39:10 39:13 39:17	<b>concluded</b> [1] 45:1	<b>credit</b> [3] 36:22
<b>C</b> [1] 1:9	4:18 6:15 6:17	39:25 40:3 40:14	<b>concur</b> [1] 48:15	36:25 36:25
<b>cable</b> [45] 7:10	7:6	40:18 40:23 42:3	<b>Congress</b> [1] 23:14	<b>Cremer</b> [18] 2:4
7:12 7:15 7:25	<b>characterization</b> [1] 45:16	42:8 42:10 42:14	<b>connection</b> [3] 7:21	33:10 33:17 33:25
8:3 8:5 8:6	<b>checked</b> [1] 8:25	44:4 44:21 45:14	12:14 36:11	34:16 35:19 36:6
8:7 8:8 8:19	<b>Cheri</b> [3] 1:24	46:4 47:3 47:13	<b>consider</b> [2] 5:23	36:10 36:16 37:2
9:21 9:22 11:9	51:5 51:18	47:17 47:19 47:21	29:23	37:12 39:7 39:12
12:11 12:12 12:16	<b>choice</b> [1] 26:9	48:14 48:16 48:18	<b>considerably</b> [1] 11:9	44:23 46:5 46:10
13:23 13:24 14:1	<b>choices</b> [2] 28:19	49:2 49:12 49:15	<b>considered</b> [1] 19:13	46:15 47:11
14:20 15:7 15:8	29:22	49:21 50:5 50:10	<b>considering</b> [1] 43:4	<b>crew</b> [1] 36:6
15:10 18:7 18:9	<b>choose</b> [1] 28:20	<b>commit</b> [4] 23:6	<b>consistency</b> [1] 48:21	<b>crews</b> [1] 15:13
21:1 30:20 31:1	<b>chose</b> [1] 38:19	27:13 29:10 29:18	<b>consistent</b> [1] 6:21	<b>criteria</b> [3] 48:20
31:21 31:25 32:2	<b>chosen</b> [1] 36:4	<b>commitment</b> [2] 16:25 27:18	<b>Consulting</b> [1] 3:7	48:22 49:1
32:3 34:25 35:2	<b>Cichos</b> [1] 2:8	<b>commitments</b> [1] 16:14	<b>consumer</b> [3] 45:11	<b>current</b> [2] 7:7
36:8 37:16 37:21	<b>circuit</b> [2] 12:23	<b>committed</b> [2] 21:3	46:14 46:18	12:20
37:24 38:4 38:5	13:4	26:22	<b>consumers</b> [1] 46:23	<b>customer</b> [4] 31:7
38:7 38:9 38:10	<b>circuits</b> [1] 14:21	<b>Common</b> [1] 41:4	<b>contact</b> [2] 12:22	35:3 35:8 35:22
38:12 45:2	<b>citizens</b> [1] 44:2	<b>communication</b> [1] 24:21	13:11	<b>customers</b> [8] 10:2
<b>cables</b> [3] 8:4	<b>clarification</b> [1] 48:17	<b>communications</b> [9] 1:5 1:10 1:14	<b>context</b> [1] 42:18	20:3 34:17 34:22
8:4 9:23	<b>classify</b> [1] 47:22	1:19 3:5 3:5	<b>continue</b> [8] 9:23	36:2 36:22 37:1
<b>Calabro</b> [1] 3:7	<b>clean</b> [1] 31:19	3:8 22:2 24:16	10:2 10:8 17:6	40:12
<b>calculation</b> [1] 13:24	<b>clear</b> [2] 14:17 49:16	<b>company</b> [3] 29:3	30:13 34:3 36:18	<b>cut</b> [4] 9:21 12:11
<b>calls</b> [1] 36:1	<b>clears</b> [1] 13:18	29:8 29:18	37:1	12:12 34:25
<b>Campbell</b> [1] 3:2	<b>close</b> [1] 17:21	<b>comparable</b> [1] 20:25	<b>continued</b> [3] 8:10	<b>cutting</b> [1] 41:13
<b>Camron</b> [1] 33:10	<b>closer</b> [1] 40:24	<b>compare</b> [1] 10:13	17:7 45:22	
<b>cannot</b> [6] 16:19	<b>closure</b> [2] 13:15	<b>compared</b> [3] 11:5	<b>continues</b> [2] 10:25	<b>-D-</b>
33:16 34:8 38:9	37:25	11:13 19:3	11:1	<b>D</b> [1] 2:10
38:21 48:1	<b>closures</b> [14] 6:18	<b>compatible</b> [3] 20:15	10:2 10:8 17:6	<b>Dakota</b> [12] 1:2
<b>Capitol</b> [2] 3:14	8:12 8:15 8:17	21:13 21:16	30:13 34:3 36:18	1:18 3:14 3:15
3:14	8:19 8:24 9:1	<b>complainant</b> [1] 31:10	37:1	10:17 10:23 14:25
<b>car</b> [12] 17:13 17:22	14:7 15:11 15:16		<b>continuing</b> [5] 7:3	22:20 42:1 51:1
18:1 18:1 19:3	15:18 15:24 31:13		8:12 9:9 16:6	51:7 51:14
25:22 26:1 26:3			31:18	<b>damn</b> [1] 19:6
37:5 38:19 43:7			<b>continuous</b> [1] 41:3	<b>date</b> [8] 4:25 26:15
43:8			<b>contract</b> [3] 6:23	29:23 30:2 33:2
<b>car's</b> [2] 19:4 25:23			7:2 30:25	45:23 47:8 47:12
<b>care</b> [2] 18:24 19:1			<b>contracting</b> [1] 36:12	<b>Dated</b> [1] 51:14
<b>carrier</b> [9] 20:17				
21:8 21:16 32:9				



<b>Dave</b> [2] 2:6 3:3	25:3 25:11 43:22	<b>encourage</b> [1] 23:16	<b>extension</b> [5] 4:20	<b>fixed</b> [9] 11:12 19:5
<b>days</b> [2] 26:24 35:16	<b>done</b> [48] 4:22	<b>end</b> [3] 11:5 25:3	24:14 30:6 45:6	21:21 29:17 30:21
<b>deadline</b> [4] 4:10	5:1 5:2 6:1	46:18	47:24	30:22 36:4 42:21
4:20 7:21 47:6	6:2 7:21 7:22	<b>end-to-end</b> [3] 37:24	<b>extensive</b> [2] 4:24	43:13
<b>deal</b> [1] 44:20	8:3 8:11 8:13	38:5 38:13	38:25	<b>fixing</b> [3] 10:5
<b>dealership</b> [1] 38:22	8:14 8:23 9:3	<b>ends</b> [3] 12:13 12:19	<b>extra</b> [1] 43:23	24:2 43:10
<b>dealing</b> [5] 10:14	9:7 9:13 9:14	12:21	<b>extremely</b> [1] 25:19	<b>follow</b> [1] 41:7
22:8 22:23 22:24	10:8 10:9 15:5	<b>Energy</b> [3] 3:3		<b>following</b> [1] 43:1
48:25	16:21 17:5 17:14	3:4 3:4	<b>-F-</b>	<b>follows</b> [1] 6:9
<b>death</b> [1] 43:17	18:6 20:20 20:22	<b>enhance</b> [1] 9:14	<b>fact</b> [4] 5:8 9:16	<b>foot</b> [6] 8:5 8:5
<b>Deb</b> [1] 3:4	23:3 25:24 27:1	<b>enhanced</b> [2] 21:14	26:6 37:23	8:6 8:7 13:23
<b>December</b> [1] 11:15	29:9 30:1 30:7	22:11	<b>facts</b> [1] 43:2	30:25
<b>decrepid</b> [1] 42:20	31:14 31:20 33:13	<b>ensure</b> [1] 10:10	<b>fail</b> [1] 24:16	<b>forced</b> [1] 14:19
<b>degree</b> [1] 38:1	33:20 33:20 33:23	<b>ensures</b> [2] 15:20	<b>Falls</b> [1] 22:3	<b>Forte</b> [1] 3:1
<b>deliver</b> [3] 15:21	34:3 34:5 35:9	15:21	<b>family</b> [1] 13:9	<b>forth</b> [1] 23:2
15:22 20:2	35:11 37:6 37:24	<b>entered</b> [2] 4:21	<b>far</b> [1] 47:4	<b>fortunate</b> [1] 25:9
<b>delivered</b> [1] 20:19	38:21 39:21 45:19	5:22	<b>faster</b> [2] 37:6	<b>forum</b> [1] 23:7
<b>demonstrated</b> [2] 20:16 20:24	46:1 46:3	<b>entire</b> [4] 9:6	37:9	<b>forward</b> [1] 50:18
<b>Dennis</b> [1] 2:13	<b>down</b> [11] 14:23	14:25 44:1 46:24	<b>fax</b> [1] 6:13	<b>found</b> [6] 11:18
<b>Denny</b> [1] 3:7	18:19 19:6 19:8	<b>entitled</b> [2] 29:15	<b>FCC</b> [1] 22:22	12:17 17:17 27:6
<b>depreciated</b> [1] 42:20	21:20 21:23 25:12	29:16	<b>February</b> [4] 11:24	30:8 30:11
<b>depreciation</b> [1] 28:18	38:22 44:19 49:4	<b>essentially</b> [2] 4:19	33:19 45:1 45:25	<b>four</b> [3] 47:22 48:5
<b>design</b> [2] 48:19	50:18	6:13	<b>federal</b> [1] 23:12	48:9
48:21	<b>downtown</b> [1] 22:3	<b>evening</b> [1] 40:7	<b>feet</b> [5] 7:16 14:5	<b>fourth</b> [1] 8:7
<b>desire</b> [1] 27:15	<b>dozen</b> [2] 8:24	<b>everybody</b> [1] 29:7	14:7 14:8 45:6	<b>free</b> [1] 26:21
<b>detailed</b> [1] 5:9	9:1	<b>evidence</b> [1] 43:21	<b>fellow</b> [1] 44:2	<b>Friday</b> [2] 4:9
<b>deterioration</b> [1] 15:11	<b>dragging</b> [1] 45:5	<b>evidenced</b> [1] 43:2	<b>field</b> [1] 31:8	4:12
<b>determine</b> [2] 14:24	<b>drive</b> [1] 18:3	<b>evidently</b> [1] 40:8	<b>Figert</b> [7] 1:18	<b>front</b> [1] 46:17
47:2	<b>drop</b> [2] 31:3 31:4	<b>EXAMINATION</b> [1] 6:10	3:9 31:2 40:1	<b>frustrated</b> [1] 25:20
<b>determined</b> [1] 8:18	<b>DTG</b> [1] 3:6	<b>exceed</b> [1] 46:20	40:2 40:5 40:15	<b>frustrating</b> [1] 17:14
<b>development</b> [1] 23:22	<b>due</b> [1] 29:24	<b>except</b> [1] 6:14	<b>figure</b> [1] 7:2	<b>Fugitt</b> [1] 2:5
<b>device</b> [1] 12:7	<b>dug</b> [1] 19:21	<b>excuse</b> [1] 31:22	<b>file</b> [1] 5:20	<b>full</b> [2] 16:12 27:17
<b>dial</b> [1] 41:4	<b>duly</b> [1] 6:8	<b>executed</b> [1] 5:13	<b>filed</b> [13] 1:4	<b>full-time</b> [1] 36:7
<b>dialogue</b> [1] 43:10	<b>duly-appointed</b> [1] 51:8	<b>executed</b> [1] 5:13	1:9 1:13 1:18	<b>funding</b> [4] 22:25
<b>difference</b> [1] 29:6	<b>-E-</b>	<b>existed</b> [1] 45:4	4:9 4:12 4:15	23:1 23:13 23:14
<b>differences</b> [1] 37:4	<b>early</b> [1] 11:23	<b>existing</b> [1] 38:4	4:24 5:14 5:18	<b>funds</b> [1] 23:13
<b>different</b> [4] 14:3	<b>east</b> [3] 3:14 11:1	<b>expanding</b> [1] 36:12	6:12 6:13 28:6	<b>future</b> [5] 20:5
26:9 41:11 43:25	11:1	<b>expands</b> [1] 13:10	<b>filing</b> [1] 28:8	24:2 25:21 37:15
<b>difficult</b> [7] 12:6	<b>easy</b> [1] 12:12	<b>expect</b> [6] 10:5	<b>financial</b> [1] 28:18	
12:9 13:12 14:8	<b>Ed</b> [2] 3:10 4:8	24:4 25:15 29:3	<b>financially</b> [1] 42:19	<b>-G-</b>
14:9 24:8 37:19	<b>education</b> [1] 21:23	34:2 34:6	<b>fine</b> [3] 45:8 50:13	<b>game</b> [2] 47:5 47:8
<b>difficulty</b> [3] 12:4	<b>Edward</b> [2] 2:11	<b>expectation</b> [1] 25:18	50:16	<b>gap</b> [1] 13:2
14:20 41:13	6:7	<b>expected</b> [1] 35:9	<b>fined</b> [1] 48:4	<b>garage</b> [5] 17:14
<b>digital</b> [1] 21:17	<b>effect</b> [2] 12:21	<b>expedite</b> [2] 26:15	<b>fines</b> [1] 50:14	17:15 17:22 19:5
<b>diligent</b> [1] 5:24	46:16	28:1	<b>finish</b> [1] 17:24	25:23
<b>direct</b> [1] 11:4	<b>effective</b> [1] 47:8	<b>expeditiously</b> [2] 16:10 28:21	<b>finished</b> [2] 24:14	<b>gauge</b> [1] 13:24
<b>directed</b> [1] 15:13	<b>effort</b> [4] 5:4	<b>expended</b> [1] 6:24	<b>firm</b> [1] 27:18	<b>Gault</b> [1] 3:5
<b>directs</b> [1] 36:5	5:25 31:11 45:2	<b>experience</b> [2] 13:6	<b>first</b> [8] 4:6 6:8	<b>General</b> [2] 4:16
<b>discussion</b> [1] 7:10	<b>efforts</b> [1] 7:25	44:12	10:15 18:15 22:5	5:13
<b>disrupted</b> [1] 36:20	<b>eight</b> [1] 33:6	<b>experienced</b> [2] 41:3	24:21 35:4 35:8	<b>given</b> [5] 9:15
<b>disruptions</b> [3] 34:18	<b>either</b> [2] 13:3	41:18	<b>FirsTel</b> [1] 3:8	15:9 27:20 36:25
37:22 44:16	47:4	<b>experiencing</b> [1] 43:14	<b>five</b> [2] 11:22 33:6	42:17
<b>dissatisfied</b> [1] 41:1	<b>electrical</b> [8] 8:15	<b>expertise</b> [1] 50:21	<b>five-minute</b> [1] 47:14	<b>giving</b> [2] 24:13
<b>distance</b> [2] 7:12	8:16 8:21 12:10	<b>explain</b> [5] 5:22	<b>five-year</b> [1] 46:19	36:24
41:12	12:13 12:20 13:22	6:1 12:2 30:14	<b>fix</b> [13] 11:10 12:9	<b>glad</b> [1] 18:25
<b>docket</b> [1] 23:3	14:21	34:23	13:9 14:12 14:15	<b>goes</b> [2] 10:25 46:15
<b>doesn't</b> [4] 19:4	<b>electronics</b> [1] 32:9	<b>explained</b> [1] 36:23	19:11 23:25 24:1	<b>gone</b> [2] 30:18 37:23
	<b>element</b> [2] 25:5	<b>explicitly</b> [1] 23:1	25:14 28:10 30:15	<b>good</b> [11] 12:22
	25:6	<b>extend</b> [1] 4:9	30:17 43:11	15:21 15:22 18:10
	<b>elsewhere</b> [2] 32:16		<b>fixable</b> [2] 42:24	20:22 24:8 24:11
	44:1		43:2	31:12 31:22 47:7
	<b>encounter</b> [1] 12:16			





47:8	<b>Professional</b> [2] 51:6 51:19	18:21 19:13 19:18 22:10 26:11 27:25 31:18 35:22 37:7 43:19 48:12 49:16	36:13 42:2	<b>rubbing</b> [1] 13:15
<b>plead</b> [1] 43:24	<b>progresses</b> [1] 17:3		<b>replacements</b> [2] 8:3 26:21	<b>run</b> [6] 12:8 13:22 17:25 19:4 25:24 45:10
<b>plenty</b> [1] 35:11	<b>project</b> [6] 16:12 26:13 26:15 29:8 32:5 46:23	<b>realm</b> [1] 43:12	<b>replacing</b> [4] 7:15 19:13 19:16 35:1	<b>running</b> [1] 43:16
<b>plus</b> [2] 4:4 36:8	<b>promises</b> [1] 20:19	<b>reason</b> [4] 16:18 31:1 34:16 50:15	<b>Reported</b> [1] 1:24	<b>rural</b> [4] 14:6 21:22 22:22 43:18
<b>point</b> [15] 5:3 10:20 14:5 15:6 15:17 16:1 16:4 17:21 25:25 27:6 32:7 35:3 38:2 44:6 45:10	<b>properties</b> [2] 12:25 14:20	<b>reasonable</b> [2] 42:22 49:5	<b>reporter</b> [3] 51:6 51:9 51:19	
<b>policy</b> [4] 22:7 22:14 36:21 36:24	<b>property</b> [1] 31:9	<b>rebuild</b> [1] 38:24	<b>request</b> [5] 1:6 1:11 1:15 1:20 4:20	<b>-S-</b>
<b>poor</b> [5] 1:6 1:10 1:15 1:19 34:1	<b>proposed</b> [1] 7:21	<b>rebuilding</b> [1] 38:6	<b>requested</b> [1] 16:25	<b>S689</b> [1] 21:11
<b>portion</b> [3] 10:20 10:22 11:3	<b>proposing</b> [1] 16:19	<b>rebuilt</b> [4] 31:24 32:5 32:12 32:15	<b>required</b> [1] 37:17	<b>safety</b> [1] 25:7
<b>portions</b> [1] 30:22	<b>protectors</b> [1] 43:20	<b>recently</b> [1] 37:23	<b>requiring</b> [1] 4:21	<b>Sandy</b> [1] 3:3
<b>position</b> [1] 36:17	<b>provide</b> [4] 20:17 29:5 31:22 47:9	<b>recess</b> [1] 47:14	<b>reserve</b> [1] 49:14	<b>sat</b> [1] 29:6
<b>possibility</b> [1] 30:19	<b>provided</b> [4] 7:13 9:17 11:14 25:21	<b>recognize</b> [1] 25:25	<b>residence</b> [1] 23:4	<b>satellite</b> [2] 40:12 40:13
<b>possible</b> [1] 28:21	<b>provisions</b> [1] 45:7	<b>recommend</b> [1] 45:8	<b>residents</b> [1] 9:8	<b>satisfied</b> [2] 9:16 49:17
<b>possibly</b> [2] 7:6 9:2	<b>prudent</b> [3] 8:19 15:19 42:23	<b>recommendation</b> [4] 15:25 37:14 39:8 44:24	<b>resistance</b> [2] 12:17 13:23	<b>says</b> [4] 22:14 46:20 47:1 47:3
<b>potentially</b> [1] 17:11	<b>Public</b> [7] 1:1 2:1 41:2 41:23 42:1 51:6 51:19	<b>record</b> [5] 5:14 5:17 12:1 46:7 46:9	<b>resolution</b> [1] 23:7	<b>Schoenfelder</b> [17] 2:2 12:2 18:14 18:15 20:12 21:5 21:12 21:19 22:6 23:19 47:17 47:21 48:18 49:2 49:12 50:5 50:10
<b>predict</b> [3] 20:5 37:15 37:18	<b>pull</b> [2] 12:21 23:10	<b>recordings</b> [1] 41:5	<b>resolve</b> [2] 23:2 24:9	<b>school</b> [1] 24:17
<b>prefacing</b> [1] 26:10	<b>pulls</b> [1] 13:1	<b>referred</b> [1] 7:17	<b>resolved</b> [3] 15:7 27:12 41:15	<b>schools</b> [5] 21:20 22:1 22:19 23:2 23:15
<b>preference</b> [1] 26:18	<b>pump</b> [1] 18:1	<b>REGARDING</b> [4] 1:6 1:10 1:15 1:19	<b>resources</b> [4] 29:12 29:18 36:1 36:3	<b>SDCL</b> [1] 45:7
<b>PRESENT</b> [1] 2:12	<b>purpose</b> [1] 47:9	<b>region</b> [1] 10:18	<b>respect</b> [1] 29:24	<b>SDITC</b> [1] 2:10
<b>presented</b> [1] 43:3	<b>put</b> [13] 6:3 12:1 12:7 12:17 22:16 24:6 36:1 36:3 37:15 38:16 40:13 40:17 44:7	<b>regional</b> [1] 47:1	<b>resplicing</b> [1] 35:2	<b>Seattle</b> [2] 4:12 22:4
<b>previously</b> [3] 9:17 29:25 30:9	<b>putting</b> [4] 24:3 38:5 43:25 44:16	<b>Registered</b> [2] 51:5 51:19	<b>respond</b> [1] 45:13	<b>section</b> [10] 8:5 8:6 8:8 13:23 14:1 14:2 14:9 30:25 35:1
<b>problem</b> [24] 10:5 12:8 14:4 18:25 20:13 21:6 24:12 24:13 26:19 27:2 28:1 28:4 28:5 28:20 29:20 31:6 31:24 32:3 35:22 35:23 36:11 36:11 36:14 41:19	<b>-Q-</b>	<b>rehabilitation</b> [1] 38:13	<b>responsibility</b> [1] 29:1	<b>sections</b> [1] 18:6
<b>problematic</b> [1] 35:13	<b>quality</b> [14] 9:15 10:10 15:21 15:22 17:4 17:9 20:2 20:22 31:22 36:9 39:2 44:3 48:11 49:17	<b>reinvest</b> [1] 23:24	<b>resulting</b> [1] 30:20	<b>see</b> [5] 7:6 12:8 12:12 17:19 24:10
<b>problems</b> [43] 8:21 9:13 11:18 12:10 12:15 13:12 13:13 13:20 14:14 14:15 15:7 15:8 15:17 15:18 15:23 19:12 20:6 20:7 21:21 28:6 30:13 30:15 30:17 30:20 31:3 32:8 33:16 34:14 36:4 38:1 41:4 41:8 41:15 41:21 43:8 43:14 44:8 44:11 45:4 48:2 48:6 50:18 50:19	<b>questions</b> [2] 33:9 38:15	<b>relate</b> [1] 5:9	<b>results</b> [3] 21:2 21:4 50:4	<b>seem</b> [1] 22:11
<b>proceed</b> [1] 16:10	<b>quicker</b> [1] 27:16	<b>relates</b> [1] 5:10	<b>review</b> [1] 12:3	<b>sent</b> [1] 42:12
<b>proceeding</b> [1] 14:23	<b>quit</b> [1] 33:2	<b>reliability</b> [3] 9:15 37:18 39:4	<b>rewarded</b> [1] 45:5	<b>separate</b> [1] 50:6
<b>proceedings</b> [4] 1:22 3:13 51:10 51:12	<b>quite</b> [2] 31:4 45:3	<b>reliable</b> [9] 25:17 26:8 28:22 29:3 29:15 38:11 44:13 49:4 49:10	<b>Richard</b> [1] 2:10	<b>sequentially</b> [1] 14:11
<b>process</b> [6] 14:18 14:19 16:23 26:17 30:24 44:18	<b>-R-</b>	<b>rely</b> [1] 49:24	<b>right</b> [5] 26:16 29:2 39:1 42:14 49:14	<b>series</b> [2] 16:20 43:15
<b>product</b> [1] 18:10	<b>rained</b> [1] 40:8	<b>remark</b> [1] 28:13	<b>ring</b> [1] 41:7	<b>serious</b> [1] 5:24
	<b>ran</b> [1] 48:24	<b>remote</b> [1] 32:10	<b>risk</b> [3] 25:5 43:17 45:11	<b>serves</b> [3] 10:22 11:1 31:3
	<b>Randy</b> [1] 26:19	<b>reopen</b> [2] 49:7 50:11	<b>risk</b> [3] 25:5 43:17 45:11	<b>service</b> [60] 1:6 1:10 1:15 1:19 9:8 9:10 9:15 9:16 9:18 9:23 10:2 10:10 11:20 13:5 13:8 15:21 15:22 17:2 17:5 17:9 17:12 18:22 20:2 20:10 20:17 20:22 20:24 22:25 23:4 25:2 28:23 29:9 31:12 31:22 34:1 34:8 34:9
	<b>rate</b> [2] 28:16 46:24	<b>repair</b> [7] 10:1 11:17 15:20 34:7 38:18 38:20 41:10	<b>Rislov</b> [1] 2:7	
	<b>rather</b> [3] 5:4 24:2 27:17	<b>repairs</b> [1] 41:21	<b>road</b> [1] 31:4	
	<b>reached</b> [1] 28:18	<b>repeat</b> [1] 46:12	<b>rock</b> [1] 44:5	
	<b>read</b> [2] 28:11 42:15	<b>repeatedly</b> [1] 42:21	<b>Rolayne</b> [1] 2:3	
	<b>readily</b> [1] 15:14	<b>repeater</b> [1] 32:10	<b>roll</b> [2] 17:22 18:10	
	<b>reading</b> [1] 28:12	<b>repetitive</b> [1] 42:16	<b>Room</b> [1] 3:14	
	<b>real</b> [1] 44:13	<b>replace</b> [10] 8:19 9:22 9:22 15:14 15:15 31:5 31:10 32:9 32:15 39:1	<b>round</b> [2] 30:21 46:2	
	<b>really</b> [13] 9:5	<b>replaced</b> [9] 7:19 8:6 8:7 17:18 21:10 31:1 31:15	<b>route</b> [21] 8:10 10:12 10:13 10:17 10:21 10:22 10:24 11:3 11:3 11:4 11:9 11:10 11:11 11:18 12:16 20:14 20:16 21:10 30:16 31:19 45:20	
			<b>routes</b> [4] 10:16 14:6 19:2 20:10	
			<b>Roxann</b> [1] 3:6	
			<b>RPR</b> [1] 1:24	



<b>under</b> [4] 4:17 6:1 6:3 6:9	<b>voluntarily</b> [1] 31:11	43:16 44:10 45:6		
<b>understand</b> [9] 10:21 18:17 19:23 19:24 19:25 33:25 36:16 44:15 49:3	<b>-W-</b>	<b>witness</b> [28] 6:3 6:8 19:25 20:14 21:9 21:15 22:5 22:18 26:16 29:24 30:12 31:25 32:7 32:17 33:4 33:14 33:23 34:6 34:21 35:24 36:7 36:15 36:21 37:11 37:19 45:13 45:15 46:22		
<b>understands</b> [1] 50:4	<b>wait</b> [4] 33:18 37:6 38:21 39:9	<b>Wittler</b> [3] 1:24 51:5 51:18		
<b>understood</b> [1] 50:7	<b>wants</b> [1] 40:10	<b>worked</b> [2] 26:19 45:24		
<b>undertake</b> [1] 7:25	<b>warmer</b> [1] 13:10	<b>world</b> [2] 25:15 25:17		
<b>undertaken</b> [1] 31:11	<b>warranty</b> [1] 43:8	<b>wrote</b> [1] 8:23		
<b>undertaking</b> [1] 5:4	<b>water</b> [1] 18:1	<b>-Y-</b>		
<b>undertook</b> [2] 5:24 45:1	<b>ways</b> [1] 10:25	<b>year</b> [2] 39:1 44:9		
<b>unforeseen</b> [1] 28:25	<b>weather</b> [2] 12:24 15:24	<b>years</b> [9] 28:9 28:11 32:22 33:6 42:19 42:20 42:22 44:19 46:21		
<b>Universal</b> [2] 22:25 23:13	<b>Wednesday</b> [1] 15:3	<b>yesterday</b> [2] 7:2 9:1		
<b>unless</b> [1] 19:21	<b>week</b> [9] 4:10 6:14 11:19 15:1 15:2 15:3 19:6 19:8 26:24	<b>yet</b> [4] 27:11 32:25 37:15 45:3		
<b>unrealistic</b> [2] 25:15 25:18	<b>weeks</b> [3] 17:15 26:24 37:4	<b>yield</b> [2] 21:2 21:3		
<b>unsolicited</b> [1] 41:4	<b>Welk</b> [20] 2:10 4:7 4:7 5:18 5:21 6:11 18:12 46:7 46:11 46:19 46:20 46:25 47:5 47:12 48:16 48:19 49:11 49:19 50:3 50:9			
<b>up</b> [23] 7:19 8:24 9:1 10:11 10:23 11:7 13:15 13:24 14:14 14:25 19:5 19:22 24:19 26:21 31:19 34:9 35:10 37:3 38:22 40:13 42:12 44:17 46:18	<b>West</b> [33] 1:5 1:10 1:14 1:19 2:10 2:11 2:11 4:2 4:6 4:8 5:4 6:24 7:25 22:8 22:16 23:6 24:10 34:4 34:17 34:22 36:17 40:10 41:10 41:20 42:21 43:12 44:24 45:1 45:3 45:5 47:23 48:4 50:13			
<b>updated</b> [5] 1:6 1:11 1:15 1:20 4:14	<b>West's</b> [1] 36:21			
<b>upgrade</b> [1] 9:14	<b>western</b> [1] 22:21			
<b>upgrading</b> [1] 39:24	<b>whole</b> [9] 17:25 19:13 19:16 31:19 36:2 40:13 42:18 43:5 43:10			
<b>upset</b> [1] 43:19	<b>wholeistic</b> [1] 9:5			
<b>urge</b> [1] 43:20	<b>Wiest</b> [4] 2:3 4:3 5:16 5:20			
<b>used</b> [4] 20:9 31:8 32:25 48:19	<b>William</b> [1] 2:8			
<b>using</b> [4] 20:25 31:23 32:2 32:5	<b>Williams</b> [2] 3:5 3:5			
<b>Utah</b> [1] 4:11	<b>willing</b> [9] 6:1 6:3 22:16 26:22 29:17 34:22 37:14 37:17 44:17			
<b>Utilities</b> [3] 1:1 2:1 41:23	<b>wind</b> [1] 13:18			
<b>Utility</b> [2] 41:2 42:1	<b>winter</b> [3] 15:23 24:15 43:13			
<b>-V-</b>	<b>wired</b> [1] 21:24			
<b>vacancies</b> [1] 27:5	<b>wires</b> [1] 13:2			
<b>vacation</b> [2] 27:4 28:4	<b>within</b> [2] 11:20 49:5			
<b>vacations</b> [1] 27:5	<b>without</b> [7] 25:2 28:22 29:19 36:22			
<b>Valentine</b> [8] 1:5 1:9 1:14 10:23 10:24 11:2 16:9 16:20				
<b>Valley</b> [1] 3:7				
<b>vast</b> [1] 15:10				
<b>versus</b> [1] 43:8				
<b>virtually</b> [1] 38:3				
<b>virtue</b> [1] 37:22				
<b>voice</b> [5] 20:17 47:4 49:4 49:6 49:18				

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
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STATE OF SOUTH DAKOTA )

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CERTIFICATE

COUNTY OF HUGHES )

I, CHERI MCCOMSEY WITTLER, Registered Professional Reporter and Notary Public in and for the State of South Dakota:

DO HEREBY CERTIFY that as the duly-appointed shorthand reporter, I took in shorthand the proceedings had in the above-entitled matter on the 8th day of June 1999, and that the attached is a true and correct transcription of the proceedings so taken.

Dated at Pierre, South Dakota this 16th day of June 1999.

Cheri McComsey Wittler  
Cheri McComsey Wittler,  
Notary Public and  
Registered Professional Reporter