

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE
PUC AGENDA MEETING

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) CT99-006
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HEARD BEFORE THE PUBLIC UTILITIES COMMISSION

PROCEEDINGS:

May 30, 2000
1:30 P.M.
Room 412, Capitol Building
Pierre, South Dakota

PUC COMMISSION:

Jim Burg, Chairman
Laska Schoenfelder, Commissioner
Pam Nelson, Commissioner

COMMISSION STAFF
PRESENT:

Rolayne Ailts Wiest
Karen Cremer
Camron Hoseck
Harlan Best
Gregory A. Rislov
David Jacobson
Michele Farris
Heather Forney
Keith Senger
Leni Healy
Charlene Lund
Mary Giddings
Sue Cichos
Bill Bullard

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JUN 20 2000

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Reported by:

Lori J. Grode, RMR

ORIGINAL

A P P E A R A N C E S

For Citizens: Darla Rogers
Pierre, SD

Appearances by Telephone:

For U S West: Alex Duarte
Phil Roselli

For Rural Cellular

Corporation,

Midwest Wireless

Communications: Mark Ayotte

P R O C E E D I N G S

CHAIRMAN BURG: Okay. We'll begin the meeting. This is the regular meeting of the Commission, Public Utilities Commission. I'm Jim Burg, Chairman of the Commission. Commissioners Schoenfelder and Nelson are also present.

First item on the agenda is the approval of the minutes of the commission meeting held on May 17th, 2,000. Mary, were there any contributions or anything to it?

MS. GIDDINGS: There were none.

COMMISSIONER NELSON: I would move approval.

COMMISSIONER SCHOENFELDER: Second.

CHAIRMAN BURG: I'll concur. Motion made, seconded and approved the minutes.

Consumer issues, status report on the consumer utility inquiries, complaints recently received by the Commission.

MS. HEALY: Thank you, Chairman Burg. So far this year the Commission has received 963 consumer contacts. 193 of those were since our last Commission.

Of those contacts, 158 involved telecommunications where again slamming continues to be our chief issue. There were 31 electricity contacts,

1 most of those were disconnections. There were four
2 natural gas contacts, and there were a variety of
3 issues there.

4 So far this year the staff has informally
5 resolved 737 complaints.

6 CHAIRMAN BURG: Leni, when we say those 737,
7 do those include the ones where the slamming -- where
8 an agreement has been reached between the company and
9 the complainant on the slamming and cramming issues?

10 MS. HEALY: Those are counted in there if it
11 has not gone to hearing.

12 CHAIRMAN BURG: Anything that has not gone to
13 hearing is counted?

14 MS. HEALY: That's right.

15 CHAIRMAN BURG: Any other questions for
16 Leni? With that, I'll take the roll call.

17 (Roll Call.)

18 CHAIRMAN BURG: Everybody is on already. The
19 first item of business is CT99-006, In the Matter of
20 the Complaint of TeleTech, Incorporated, and Long Line,
21 Incorporated, of Sioux Falls, South Dakota, Against U S
22 West Communications, Incorporated, Concerning
23 Overcharges for Telecommunications Service.

24 Today what is the Commission's decision? And
25 we already have had the hearing so we're here for a

1 decision.

2 MS. NELSON: Mr. Chairman, I have a motion.
3 I move to deny U S West's motion to strike. I further
4 move to find that U S West did not commit an unlawful
5 or unreasonable act, rate, practice, or omission in its
6 billing of future group A lines to TeleTech and Long
7 Line. I believe that the complainant has failed to
8 show that they properly requested that the feature
9 group A lines be disconnected.

10 U S West dedicated the lines to the
11 complainants making them unavailable for use by other
12 customers. Moreover, the charges for the lines were
13 listed on each of the monthly bills. Since the
14 complainants were a telecommunications company, their
15 representatives were certainly capable of reading the
16 bills in order to determine what services were being
17 provided by U S West.

18 With respect to the six lines that were not
19 disconnected in October of 1994, the Commission makes
20 no findings since the U S West has already issued a
21 check as refund for payments made by complainants for
22 those lines.

23 CHAIRMAN BURG: I'm going to second the
24 motion. This was a difficult one for me. I spent this
25 morning reading quite a bit of the testimony again. I

1 think it's unfortunate this kind of cost was incurred
2 by the company with lines they were not using; however,
3 those lines were not available for anybody else and I
4 did not find documentation to show that there really
5 was any violation by U S West, even though maybe in
6 good business practices some of this should have been
7 recognized; but it also should have been found by the
8 complainants, so I really saw no way except to go this
9 direction and I'll second the motion.

10 COMMISSIONER SCHOENFELDER: And I'm going to
11 dissent, Mr. Chairman. I won't dissent though on the
12 motion to deny to strike because I will agree with
13 that.

14 However, I'm going to dissent on the findings
15 simply because I believe TeleTech and Long Lines have
16 proved that they were billed for 48 lines that they did
17 not receive the services from. I do believe that it
18 was U S West's fault.

19 I also believe that U S West didn't bring in
20 any proof of anything. And I believe that Long Lines
21 and TeleTech should be reimbursed at the rate that is
22 tariffed. And I also believe that that interest should
23 have been figured at the tariffed rate and not at the
24 rate suggested by TeleTech and Long Lines.

25 But I will dissent, and I will be writing a

1 dissent.

2 CHAIRMAN BURG: The motion has been approved
3 on a two:one vote in the matter of the complaint of
4 TeleTech in CT99-006.

5 * * * * *

6 CHAIRMAN BURG: Telecommunication, TC98-096,
7 In the Matter of the Filing by U S West Communications
8 for Approval of a First Amendment to the
9 Interconnection Agreement Between it and Rural Cellular
10 Corporation.

11 Today shall the Commission approve the
12 amendment to the interconnection agreement?

13 U S West, do you want to go first and explain
14 it? Who's handling the interconnection agreements?

15 MR. DUARTE: I'm sorry, Mr. Chairman, I had
16 it on mute. I don't really have any comments other
17 than what was filed. Again, as I mentioned in the
18 past, our interconnection group filed the contracts and
19 the request for amendments and so I don't have any
20 particulars other than what was submitted.

21 CHAIRMAN BURG: Anybody representing Rural?

22 MR. AYOTTE: Yes, Mr. Chairman, Mark Ayotte
23 from Briggs and Morgan in St. Paul. I represent Rural
24 Cellular Corporation.

25 The amendment before you is quite simple.

1 The original interconnection agreement previously
2 approved by the Commission was originally set to expire
3 on April 30th of the year 2000. This amendment simply
4 extends the agreement by one year by modifying the term
5 to expire on April 30th 2001. All other terms and
6 conditions and rates are the same.

7 CHAIRMAN BURG: Okay. Staff, any comments?

8 MR. HOSECK: Well, this is Camron Hoseck on
9 behalf of staff. Generally that's correct, this is an
10 extension. It was approved originally August 5, '98,
11 and terminated on 4/30 of this year, but there is a
12 carryover provision in it so that the contract did
13 continue. And staff would recommend approval.

14 CHAIRMAN BURG: Any other questions or
15 comments? If not, I'll move approval in TC98-096.

16 COMMISSIONER SCHOENFELDER: Second.

17 COMMISSIONER NELSON: Concur.

18 CHAIRMAN BURG: Approval of the
19 interconnection agreement. The amendment has been
20 approved in TC98-096.

21 TC98-099, In the Matter of the Filing by U S
22 West Communications, Incorporated, for Approval of the
23 First Amendment to the Interconnection Agreement
24 Between it and Midwest Wireless Communications.

25 Today shall the Commission approve the

1 amendment to the interconnection agreement?

2 Any additional comments, U S West?

3 MR. DUARTE: No additional comments other
4 than we would request that the amendment be granted.

5 CHAIRMAN BURG: And anybody representing
6 Midwest Wireless?

7 MR. AYOTTE: Chairman Burg, Mark Ayotte
8 representing Midwest Wireless. Same situation as the
9 Rural Cellular Corporation.

10 CHAIRMAN BURG: Thank you. Any additional
11 comments?

12 MR. HOSECK: Staff would have nothing
13 additional. It's very similar provisions to the last
14 one timewise.

15 COMMISSIONER NELSON: I would move approval
16 to the amendment in the interconnection agreement
17 proposed in TC98-099.

18 COMMISSIONER SCHOENFELDER: Second.

19 CHAIRMAN BURG: I'll concur.

20 CHAIRMAN BURG: The interconnection agreement
21 amendment has been approved in TC98-099.

22 TC99-007, In the Matter of the Filing by U S
23 West Communications, Incorporated, for Approval of a
24 First Amendment to the Interconnection Agreement
25 Between CCCSD, Inc., doing business as Connect!

1 Shall the Commission approve the amendment to
2 the interconnection agreement?

3 Again, U S West, any additional comment or is
4 it the same? U S West.

5 MR. DUARTE: I'm sorry, Mr. Chairman. No, I
6 don't have any additional comments. Again we would
7 request the agreement be granted, request be granted.

8 CHAIRMAN BURG: Connect? Anybody
9 representing them? Staff.

10 MR. HOSECK: Mr. Chairman, the old contract
11 was approved on August 26th of '99 and it terminated on
12 12/15/99. It had a carryover provision in it, and it
13 deals with collocation and affects the termination.
14 It's just an amendment of the existing one, and I would
15 recommend approval.

16 COMMISSIONER SCHOENFELDER: I would move
17 approval of TC99-007.

18 COMMISSIONER NELSON: Second it.

19 CHAIRMAN BURG: I'll concur. We have
20 approved TC99-007.

21 TC99-023, In the Matter in the Filing of U S
22 West Communications, Incorporated, for Approval of a
23 First Amendment to the Interconnection Agreement
24 Between It and Midco Communications, Incorporated,
25 Doing Business as MidContinent Communications,

1 Incorporated.

2 Today shall the Commission approve the
3 amendment to the interconnection agreement?

4 U S West.

5 MR. DUARTE: Alex again, Mr. Chairman. No
6 comments other than to request that the Commission
7 approve the agreement.

8 CHAIRMAN BURG: Midco?

9 MR. SIMMONS: No real comments either other
10 than asking for your approval this piece allows us to
11 add a component that was not available, frankly, when
12 our original interconnection agreement was signed.

13 COMMISSIONER NELSON: I'd move the Commission
14 approve the amendment to the interconnection agreement
15 in TC99-023.

16 CHAIRMAN BURG: Staff didn't have any other
17 comments?

18 MR. HOSECK: No, that's fine.

19 COMMISSIONER NELSON: Sorry, Camron.

20 COMMISSIONER SCHOENFELDER: Second.

21 CHAIRMAN BURG: I'm concurring. TC99-023 has
22 been approved

23 * * * * *

24 CHAIRMAN BURG: We have one addendum item,
25 TC00-068, In the Matter of the Filing by U S West

1 Communications, Incorporated, Regarding the Sale of
2 Exchanges in Nebraska and Minnesota.

3 Today does the Commission find it does not
4 object to the FCC granting study area waivers nor to
5 any reconfiguration study area boundaries involving the
6 South Dakota portion of the Valentine, Nebraska;
7 Ortonville-Big Stone, Minnesota Exchanges.

8 Harlan, do you have comments on this one?
9 Mr. Hoseck, either one?

10 MR. HOSECK: No.

11 MS. WIEST: U S West and Citizens. Darla is
12 representing Citizens.

13 CHAIRMAN BURG: Okay, excuse me, Darla.
14 I was just going to make a motion.

15 MS. ROGERS: I don't have particular
16 comments.

17 CHAIRMAN BURG: But I presume are you here
18 representing Citizens requesting the approval of this
19 and that we approve, the fact that we don't object?

20 MS. ROGERS: Yes, that's correct.

21 CHAIRMAN BURG: Because we do have to make a
22 positive one way or another, if I understand the law
23 right?

24 MS. ROGERS: We would need a nonobjection
25 letter from you.

1 CHAIRMAN BURG: U S West, comment from U S
2 West?

3 MR. ROSELLI: This is Phil Roselli for U S
4 West. And you are correct there, Chairman Burg, all
5 the Commission need do and what we requested is an
6 indication of nonobjection with regard to the study
7 area waiver pertaining to the Nebraska transaction.

8 CHAIRMAN BURG: Okay. With that I will move
9 that the Commission finds that it does not object to
10 the FCC granting study area waivers, nor to
11 reconfiguration study area boundaries involving the
12 South Dakota portion of the Valentine, Nebraska, and
13 Ortonville-Big Stone, Minnesota, exchanges.

14 COMMISSIONER SCHOENFELDER: Second.

15 COMMISSIONER NELSON: Concur.

16 CHAIRMAN BURG: TC00-068 has been approved.

17 (The hearing concluded at 3:10 p.m.)
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1 STATE OF SOUTH DAKOTA)

2)

3 COUNTY OF STANLEY)

4 I, Lori J. Grode, Registered Merit Reporter,
5 Registered Profession Reporter and Notary Public in and
6 for the State of South Dakota:

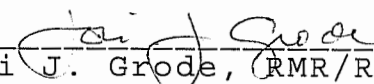
7 DO HEREBY CERTIFY that the above hearing
8 pages 1 through 13, inclusive, was recorded
9 stenographically by me and reduced to typewriting.

10 I FURTHER CERTIFY that the foregoing
11 transcript of the said hearing is a true and correct
12 transcript of the stenographic notes at the time and
13 place specified hereinbefore.

14 I FURTHER CERTIFY that I am not a relative or
15 employee or attorney or counsel of any of the parties,
16 nor a relative or employee of such attorney or counsel,
17 or financially interested directly or indirectly in
18 this action.

19 IN WITNESS WHEREOF, I have hereunto set my
20 hand and seal of office at Pierre, South Dakota, this
21 5th day of June 2000.

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Lori J. Grode, RMR/RPR

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