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

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| **IN THE MATTER OF THE COMPLAINT FILED BY LOU SCHUELKE ON BEHALF OF LAZY S CAMPGROUND, HILL CITY, SOUTH DAKOTA, AGAINST U S WEST COMMUNICATIONS, INC. REGARDING POOR SERVICE AND REQUEST TO HAVE LINES UPDATED** | ) ) ) ) ) ) | **ORDER CANCELLING HEARING**<br><br>**CT99-023** |

On August 5, 1999, the Public Utilities Commission (Commission) received a complaint filed by Lou Schuelke on behalf of Lazy S Campground, Hill City, South Dakota (Complainant), against U S WEST Communications, Inc. (U S WEST). The Complainant states that "We have been dealing with phone outages since April. Every time it rained we were without a phone. This went on through May and into June. Then it worked fairly good for a time. Then in July it started going dead again, rain or shine, didn't make any difference. It has been out 9 days since the 13th of July. This last stretch we were out 7 days. It came on briefly twice and yesterday it came on again and is still on this morning. The phone repairman came yesterday and it was already working. I asked him what he'd done and he said nothing. In visiting with different technicians I get the feeling the equipment must be in poor shape. Being owners of a small campground near Deerfield, the phone is a necessary part of our business. One of our biggest connections you might say. I have no idea how much business this has cost us, but undoubtedly it has cost us a lot." Complainant requests that the Public Utilities Commission investigate U S WEST and put on some pressure so they either upgrade or do something to improve our service.

Pursuant to ARSD 20:10:01:08.01 and 20:10:01:09, if a complaint cannot be settled without formal action, the Commission shall determine if the complaint shows probable cause of an unlawful or unreasonable act, rate, practice or omission to go forward with the complaint.

On August 17, 1999, at a duly noticed meeting, the Complainant presented her position to the Commission. U S WEST stated that it had not had time to investigate the complaint. The Commission voted unanimously to find probable cause.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49- 13-1 through 49-13-14.1, 49-31-3, 49-31-7, 49-31-7.1, 49-31-11, 49-31-60, and 49-31-61, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive, and ARSD Chapter 20:10:33.
By order dated October 7, 1999, a hearing was scheduled for 9:00 a.m. (MST), on November 18, 1999, in the Bear Butte Room at the Ramkota Hotel and Conference Center, 2211 LaCrosse Street, Rapid City, South Dakota. On November 15, 1999, Commission Staff was contaced by Complainant who informed the Staff that settlement had been reached in this matter and she wished to have her complaint dismissed, so therefore the hearing is cancelled. It is therefore
ORDERED, that the hearing scheduled for November 18, 1999, is cancelled.

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

| **CERTIFICATE OF SERVICE** | BY ORDER OF THE COMMISSION: |
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| The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.<br><br>By:_____<br><br>Date:_____ | _____<br>JAMES A. BURG, Chairman<br><br>_____<br>PAM NELSON, Commissioner<br><br>_____<br>LASKA SCHOENFELDER, Commissioner |

| (OFFICIAL SEAL) | |
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