BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

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 DISMISSING COMPLAINT AND CLOSING DOCKET 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) regarding poor service. The Complainant requests that the lines be updated.

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. Probable cause was found in this matter on August 17, 1999. A hearing was scheduled for November 18, 1999. The hearing was cancelled on November 16, 1999.

On November 29, 1999, at a duly noticed meeting, Commission Staff informed the Commission that the parties had reached a settlement and the Complainant wished to have the complaint dismissed and the docket closed.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-13-1, 49-13-4, 49-13-13, 49-13-14.1, 49-31-3, 49-31-7, 49-31-7.1, 49-31-11, 49-31-60, 49-31-61, and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission voted unanimously to dismiss the complaint and close the docket. It is therefore

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

Dated at Pierre, South Dakota, this 8th day of December, 1999.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: Delaine Kolbo

Date: 12/8/99

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg

JAMES A. BURG, Chairman

Pam Nelson

PAM NELSON, Commissioner

Laska Schoenfelder

LASKA SCHOENFELDER, Commissioner