

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER FINDING</b>
<b>BY EDWARD PELTZ, HILL CITY, SOUTH )</b>	<b>PROBABLE CAUSE AND</b>
<b>DAKOTA, AGAINST U S WEST )</b>	<b>NOTICE REQUIRING</b>
<b>COMMUNICATIONS, INC. REGARDING POOR )</b>	<b>ANSWER</b>
<b>SERVICE AND REQUEST TO HAVE LINES )</b>	
<b>UPDATED )</b>	<b>CT99-027</b>

On August 6, 1999, the Public Utilities Commission (Commission) received a complaint filed by Edward Peltz, Hill City, South Dakota (Complainant), against U S WEST Communications, Inc. (U S WEST). The Complainant alleges that his phone does not always work, sometimes only working a few hours per day. U S WEST repairmen have been out on numerous occasions to fix the problem but it continues to re-occur. The clarity is so bad that people cannot understand him. Repair service kept taking the complaints but no one fixed the problem. Phone is still noisy. Complainant requests that "U S WEST be forced to put some good equipment in. I pay just as much for service as the people in cities do. Why shouldn't I get the same good service. My service is lousy just so U S WEST can show a good P & L statement."

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 his problem to the Commission. U S WEST stated that it had not had the time to review the problem yet.

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 find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and that the complaint shall be forwarded to U S WEST and U S WEST shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 26<sup>th</sup> day of August, 1999.

<p><b>CERTIFICATE OF SERVICE</b></p> <p>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.</p> <p>By: <u>Helaine Kaelo</u></p> <p>Date: <u>8/30/99</u></p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

James A. Burg  
 JAMES A. BURG, Chairman

Pam Nelson  
 PAM NELSON, Commissioner

Laska Schoenfelder  
 LASKA SCHOENFELDER, Commissioner