

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

IN THE MATTER OF THE COMPLAINT FILED BY CATHY FEICKERT AGAINST U S WEST REGARDING THE INSTALLATION OF TELEPHONE SERVICE) **AMENDED ORDER FOR AND NOTICE OF HEARING**
) **TC96-174**

On September 30, 1996, the Public Utilities Commission (Commission) received a Complaint from Cathy Feickert, 38493-132 Street, Aberdeen, SD 57401 (Complainant) against U S WEST Communications, Inc. (U S WEST) alleging delays in installation of phone service and excessive construction costs.

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 November 1, 1996, a duly noticed meeting, the Commission reviewed the complaint. The Commission voted unanimously to find probable cause.

TAKE NOTICE that a hearing in this matter will be held on February 18, 1997, at 12:00 o'clock noon, in the Floyd Matthew Training Room of the Foss Building, 523 East Capitol, Pierre, South Dakota.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-13, and 49-31 and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive. The Commission may rely upon any or all of these or other laws of this state in making its determination.

The issue at the hearing is whether U S WEST committed an unlawful or unreasonable act, rate, practice or omission.

All persons so testifying will be subject to cross-examination by the parties. The order of the proceeding will be in the following sequence: (1) Complainant; (2) U S WEST; and (3) Staff.

The hearing is an adversary proceeding conducted pursuant to SDCL Chapter 1- 26. All parties have the right to attend and represent themselves or be represented by an attorney. However, such rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20.

The Commission, after examining the evidence and hearing testimony presented by the parties, shall make Findings of Fact, Conclusions of Law, and a Final Decision. As a result of the hearing, the Commission may determine whether U S WEST committed an unlawful or unreasonable act, rate, practice, or omission and may determine damages,

finer or other remedies for service quality as provided by law. The Final Decision may be appealed by the parties to the Circuit Court and the South Dakota Supreme Court as provided by law. It is therefore

ORDERED that a hearing shall be held on the complaint of Cathy Feickert as specified above.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-

332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 14th day of February, 1997.

CERTIFICATE OF SERVICE

BY ORDER OF THE
COMMISSION:

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.

Commissioners Burg, Nelson and
Schoenfelder

By: _____

Date: _____

WILLIAM BULLARD, JR.

(OFFICIAL SEAL)

Executive Director

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