

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FINDING
BY NETWAY ADVERTISING, WHITE RIVER,)	PROBABLE CAUSE AND
SOUTH DAKOTA, AGAINST GOLDEN WEST)	NOTICE REQUIRING
TELECOMMUNICATIONS COOPERATIVE, INC.)	ANSWER
REGARDING INTERNET ACCESS CHARGES)	TC97-028

On March 24, 1997, the Public Utilities Commission (Commission) received a complaint from Netway Advertising (Netway) located in White River, South Dakota, against Golden West Telecommunications Cooperative, Inc. (Golden West). According to the complaint: "Netway Advertising is an Internet Advertising Agency and an Internet Provider in White River, SD. We have a 56K line now running from our own T1 in Sioux Falls. We installed our 56K line in November of 95. It ran from UUnet in Chicago. Then in December we switched it to our own T1 in Sioux Falls. Our installation fee in November of 95 from Golden West was 50.00. Our installation fee to switch to our own T1 in Sioux Falls in December was \$600.00. Amazing since we are in competition with Golden West how our installation charges increased. The line was physically placed in November of 95. All they did in December of 96 was make a switch at their terminal. Also, our per monthly line fee up until December of 96 was 0.00. Now, in January they sent us a bill for \$197.55 for our 56K line. U S WEST charges \$1.15 per mile for a 56K line. Golden West charges \$2.15 per mile. How is it that a non-profit federally financed cooperative can make more money than U S WEST. These charges are outrageous and should be outlawed. I want these fees to stop....I want Golden West to understand that they can't try to put their competition out of business. Our line fees are completely out of line with other phone companies and they need to stop. I want my \$600.00 installation fee returned and our line fees lowered."

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 April 15, 1997, at its duly noticed meeting, the Commission reviewed the complaint. Golden West, by letter to the Commission dated April 14, 1997, stated that it did not object to the Commission commencing the hearing process on the complaint.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 49-13 and 49-31 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 Golden West and Golden 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 28th day of April, 1997.

<p style="text-align: center;">CERTIFICATE OF SERVICE</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>Debra Kaelo</u></p> <p>Date: <u>4/28/97</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner