

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER GRANTING
BY BEN HOFER, CARPENTER, SOUTH)	SECOND EXTENSION
DAKOTA, AGAINST U S WEST)	
COMMUNICATIONS, INC. REGARDING)	TC97-178
UPDATING LINES)	

On October 29, 1997, Ben Hofer, Carpenter, South Dakota, filed a complaint against U S WEST Communications, Inc. regarding updating lines. "We live in southern Spink County on the northern end of the Huron area phone line served by U S WEST. We experience frequent phone service outages. These most often happen when there is a weather change. The servicemen tell us that wind drives in snow and dirt in the boxes, or a drop of moisture which shorts out circuits. Mice also have caused outages by being in the boxes. Also, the servicemen tell us the relay equipment is of the oldest style, seldom found in use any more. Our internet connections are slow. The majority (33 of 50 connections) are in the 12,000 to 16,800 bps range. The low capacity of the phone lines may also relate to line noise and weak phone signals we experience. There are no more phone lines available for our use to our farm. Today's agri-business operation is relying increasingly on rapid communication to do business. On one phone line we have: phone, fax and internet, a family residence, a farm/ranch that produces a half million dollars of ag. products annually, and a farm/ranch Bed & Breakfast/farm vacation business (possibility farm)." I ask that the PUC grant the following relief: "PUC should mandate that U S WEST update the lines in our area so that we can operate our ag business, tourism business and personal business in an expedient manner. We need two more lines, which are presently unavailable, to our farm."

On April 28, 1998, the Commission entered an order requiring U S WEST to install a digital line carrier system by "mid-July" to serve the Ben Hofer farm. On July 16, 1998, the Commission received a request from U S WEST to extend the completion date until October 31, 1998.

On July 23, 1998, at a duly noticed meeting, the Commission reviewed U S WEST's request for an extension until October 31, 1998, and denied the request. The Commission moved to extend U S WEST's completion date until September 1, 1998, which was unanimously approved.

On August 21, 1998, the Commission received a request from U S WEST to extend the completion date indefinitely due to a work stoppage by U S WEST employees. U S WEST employees returned to work on August 31, 1998. At a regularly scheduled meeting on September 10, 1998, the Commission considered U S WEST's request. U S WEST requested a completion date of September 30, 1998. A completion date of September 30, 1998, was set by the Commission. Additionally, the Commission ruled that for each day U S WEST does not have the work completed, that a one thousand dollar a day fine be imposed pursuant to SDCL 49-31-38.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-60 through 49-31-68, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive. It is therefore

ORDERED, that U S WEST be granted an extension until September 30, 1998, to install a digital line carrier system to serve the Ben Hofer farm. For every day beyond September 30, 1998, that U S WEST has not installed said digital line carrier system to serve the Ben Hofer farm, that a one thousand dollar per day fine shall be paid by U S WEST.

Dated at Pierre, South Dakota, this 21st day of September, 1998.

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: <u><i>Helaine Kalbo</i></u>
Date: <u>9/21/98</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner