BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED BY DICK GLANZER, CARPENTER, SOUTH DAKOTA, AGAINST U S WEST COMMUNICATIONS, INC. REGARDING TELEPHONE SERVICE OUTAGES AND INADEQUATE SERVICE	**)** **)** **)** **)**	**ORDER FINDING PROBABLE CAUSE AND NOTICE REQUIRING ANSWER** **TC98-009**

On January 20, 1998, the Public Utilities Commission (Commission) received a complaint filed by Dick Glanzer, Carpenter, South Dakota, against U S WEST Communications, Inc. (U S WEST). Mr. Glanzer stated, "We tried to get on the Internet with 2 different providers, and after much time and aggravation found out that we were unable to get connected because of 'antique' phone lines. Can't take advantage of caller ID. When we have a power outage we also lose our telephone. This is dangerous in case of an emergency. Fax machines are extremely slow or sometimes don't work properly." Mr. Glanzer is requesting that U S WEST bury new phone lines in the affected area.

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 February 3, 1998, at its duly noticed meeting, Mr. Glanzer presented his position to the Commission. U S WEST recommended that probable cause be found so that it could respond to the complaint in writing.

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 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 13th day of February, 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

BY ORDER OF THE COMMISSION:

_____

JAMES A. BURG, Chairman

thereon.

By:_____

Date:_____

(OFFICIAL SEAL)

_____

PAM NELSON, Commissioner

_____

LASKA SCHOENFELDER, Commissioner