

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

IN THE MATTER OF THE COMPLAINT)	ORDER SETTING DEADLINE
FILED BY LORETTA SPEAR, HILL CITY,)	
SOUTH DAKOTA, AGAINST U S WEST)	TC98-155
COMMUNICATIONS, INC. REGARDING)	
TELEPHONE SERVICE OUTAGES AND)	
INADEQUATE SERVICE)	

On September 3, 1998, the Public Utilities Commission (Commission) received a complaint filed by Loretta Spear, Hill City, South Dakota, against U S WEST Communications, Inc. (U S WEST). Ms. Spear stated, "In retrospect our telephone problems began in the spring of this year (1998). Starting with noisy lines (static) and later followed by temporary interruptions in service lasting anywhere from a few minutes to a couple of hours. These were not reported to repair service as the service would come back on. During this time the volume on the caller's voice would fluctuate. Several times the telephone would ring and when I answered, it would be a dead line. Approximately 4 weeks ago the line went dead for a day and I called repair service, By the time the repair man came the phone had started to work again. He did work on the service but stated the equipment is old. A week later the phone went dead again. (Friday, the day before the strike started) I called repair service again. This time supervisory personnel came out on a Sunday and worked on the line. I also advised him that our caller ID service which we had just purchased was not working. He stated we did not have that service as the equipment was old and not available to us. He also stated that the equipment upgrade was on the books but not enough money to do the work now. Perhaps next year. When calling to cancel Caller ID the customer service office said that we should have that service available to us, but would cancel our order and issue credit. I checked with repair service once again and was told by electronic voice that we might expect to have service by September 5. That will be 3 weeks without telephone service." Ms. Spears is requesting that credit be given for Caller ID and 3 weeks without telephone service. She is also requesting resolution to updating telephone service in the area.

On October 20, 1998, at its duly noticed meeting, the Commission reviewed the complaint. The Commission voted unanimously to find probable cause and served the complaint on U S WEST. U S WEST filed its Answer to Complaint on November 16, 1998.

A hearing was held on December 15, 1998, beginning at 1:30 o'clock P.M., in Room 3rd Floor East, Rapid City Area School Administrative Offices, 300 6th Street, Rapid City, South Dakota. At the hearing, U S WEST stated that it would test the facilities and take any necessary steps to improve service to Ms. Spear. On March 1, 1999, and April 2, 1999, U S WEST provided updates on the testing. In its April 2, 1999, letter, U S WEST stated that it was proposing to replace the buried drop serving the Spears and then test the service afterwards.

The Commission considered how to proceed on this matter at its May 12, 1999, meeting. The Commission has jurisdiction in 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. After listening to comments from the parties, the Commission unanimously voted to require U S WEST to replace the drop and test the system by June 8, 1999. It is therefore

ORDERED, that U S WEST shall replace the buried drop to the Spears and test the Spear's telephone service by June 8, 1999.

Dated at Pierre, South Dakota, this 20th day of May, 1999.

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> Alaine Kees </u>
Date: <u> 5/21/99 </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