BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED BY LAWRENCE KLEIN, VALENTINE, NEBRASKA, AGAINST U S WEST COMMUNICATIONS, INC. REGARDING POOR SERVICE AND A REQUEST TO HAVE LINES UPDATED	)))))))	ORDER GRANTING EXTENSION OF DEADLINE TC98-199

On November 6, 1998, the Public Utilities Commission (Commission) received a complaint filed by Lawrence Klein, Valentine, Nebraska (Complainant), against U S WEST Communications, Inc. (U S WEST), regarding poor service. Complainant outlines a series of service outages, unreliable service, and phantom calls. Complainant requests more reliable phone service.

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 25, 1998, at a duly noticed meeting, the Commission considered this matter. The Commission voted unanimously to find probable cause. U S WEST filed its answer on December 24, 1998.

The hearing was held on February 3, 1999, beginning at 1:30 o'clock P.M., at Cherry-Todd Electric Cooperative, West Highway 18, Mission, South Dakota. The Commission also heard the complaints filed against U S WEST in dockets TC98-183, TC98-184, and TC98-212, since those complaints concern the same general area as this complaint. At the hearing, U S WEST stated that it would do testing and any necessary repairs and report back to the Commission. U S WEST filed updates on April 2, 1999 and May 7, 1999. In its April 2, 1999, update, U S WEST reported that it needed to replace a portion of the buried cable and stated it would take around 90 days to get the cable, make the replacements, and test the system.

At its May 12, 1999, meeting, the Commission unanimously voted to require U S WEST to complete its repairs and testing by June 8, 1999. On June 4, 1999, the Commission received a Motion to Extend Deadline from U S WEST. U S WEST requested that an extension be granted until July 30, 1999, for the completion of all cable work and testing of all carrier systems on the route. At its June 8, 1999, meeting, the Commission considered how to proceed. The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-2, 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 20:10:01:28, inclusive. After listening to comments

from the parties, the Commission voted to grant the extension until July 30, 1999. The Commission further voted that if U S WEST fails to meet the July 30, 1999, deadline, the Commission shall issue a show cause order as to why U S WEST should not be fined $1000.00 per day for each day the work remains uncompleted after July 30, 1999. The Commission also voted to hold another hearing after July 30, 1999, to take additional testimony as to the Complainant's quality of service. It is therefore

ORDERED, that U S WEST's Motion to Extend Deadline until July 30, 1999, is granted; and it is

FURTHER ORDERED, that if U S WEST fails to meet the July 30, 1999, deadline, the Commission shall issue a show cause order as to why U S WEST should not be fined $1000.00 per day for each day the work remains uncompleted after July 30, 1999; and it is

FURTHER ORDERED, that another hearing shall be held after July 30, 1999, to take additional testimony as to the Complainant's quality of service.

Dated at Pierre, South Dakota, this _15th_ day of June, 1999.

BY ORDER OF THE COMMISSION:

PAM NELSON, Commissioner

LASKA SCHOENFELDER, Commissioner