

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FINDING
BY WILLOW LAKE ELEVATOR, WILLOW)	PROBABLE CAUSE AND
LAKE, SOUTH DAKOTA, AGAINST U S WEST)	NOTICE REQUIRING
COMMUNICATIONS, INC. REGARDING)	ANSWER
TELEPHONE SERVICE OUTAGES AND)	TC98-007
INADEQUATE SERVICE)	

On January 20, 1998, the Public Utilities Commission (Commission) received a complaint filed by the Willow Lake Elevator, Willow Lake, South Dakota (Complainant) against U S WEST Communications, Inc. (U S WEST). The Complainant stated, "The Willow Lake Elevator is in the process of installing a new fully integrated, on line, real time, computer system. We have several remote locations and one of those locations is Carpenter. The Elevator would like to have a fully dedicated, local line from Carpenter to Willow Lake. The two different telephone companies (ITC & U S WEST) said that this could not be done. We live a total of 14 miles from each other and are in the same county, yet we cannot communicate locally. Our business is expanding at a rapid rate over the past 4 years. In order for us to stay competitive we need to upgrade our computer equipment. We also need the ability to respond to the needs of our customers. This can only be done by improving our ability to find new customers in this area of the county. By being able to respond quickly to their needs, we will grow." The Complainant requests that the system be replaced as it would improve their communications within the area. Complainant is also requesting a local dedicated line from Carpenter to Willow Lake.

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 a duly noticed meeting, the Complainant presented its 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 thereon.

By: *William Keels*

Date: *2/13/98*

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner