

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FINDING
BY MIKE MADSEN, CARPENTER, SOUTH)	PROBABLE CAUSE AND
DAKOTA, AGAINST U S WEST)	NOTICE REQUIRING
COMMUNICATIONS, INC. REGARDING)	ANSWER
TELEPHONE SERVICE OUTAGES AND)	TC98-011
INADEQUATE SERVICE)	

On January 20, 1998, the Public Utilities Commission (Commission) received a complaint filed by Mike Madsen, Carpenter, South Dakota, against U S WEST Communications, Inc. (U S WEST). Mr. Madsen stated, "We cannot get Caller ID. Can't get our computer on the Internet. Phone connection is poor, have alot of double talk or alot of static. Would like to add a second line and phone company says we can't. When electricity goes out, phone die within a couple of hours so we can't even make emergency calls." Mr. Madsen is requesting that the phone lines be updated.

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, Mr. Madsen 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.

<p>CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u><i>Allaine Kisko</i></u></p> <p>Date: <u><i>2/13/98</i></u></p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

James A. Burg
 JAMES A. BURG, Chairman

Pam Nelson
 PAM NELSON, Commissioner

Laska Schoenfelder
 LASKA SCHOENFELDER, Commissioner