

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

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| <b>IN THE MATTER OF THE COMPLAINT FILED )</b>  | <b>ORDER FINDING</b>  |
| <b>BY MIKE MALSOM, MINA, SOUTH DAKOTA, )</b>   | <b>PROBABLE CAUSE</b> |
| <b>AGAINST U S WEST COMMUNICATIONS, INC. )</b> |                       |
| <b>REGARDING UPDATING LINES )</b>              | <b>TC98-144</b>       |

On August 13, 1998, the Public Utilities Commission (Commission) received a complaint filed by Mike Malsom, Mina, South Dakota, against U S WEST Communications, Inc. (U S WEST). The complaint detailed Mr. Malsom's telephone problems over the years and he requested that the system 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 September 10, 1998, at a duly noticed meeting, U S WEST stated that the problem area that Mr. Malsom complained of was scheduled to be updated by the end of the 1998 construction season.

The Commission finds that it has jurisdiction over 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. The Commission voted unanimously to find probable cause. However, since U S WEST has stated that the facilities that serve Mr. Malsom will be updated this year, the Commission will defer any action on the complaint until October 31, 1998. 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. The Commission does not require U S WEST to file its answer in this matter at this time.

Dated at Pierre, South Dakota, this 21<sup>st</sup> day of September, 1998.

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| <b>CERTIFICATE OF SERVICE</b>  |
| 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>Hildine Kalbs</u>   |
| Date: <u>9/21/98</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