

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FINDING
BY DOUGLAS G. PETTIGREW, WETONKA,)	PROBABLE CAUSE
SOUTH DAKOTA, AGAINST U S WEST)	
COMMUNICATIONS, INC. REGARDING)	TC98-121
SERVICE PROBLEMS)	

On June 22, 1998, the Public Utilities Commission (Commission) received a complaint filed by Douglas G. Pettigrew, Wetonka, South Dakota, against U S WEST Communications, Inc. (U S WEST). Mr. Pettigrew stated, "For years we have had problems with loss of service for hours to days in duration. The lack of service often had to wait over the weekend after being reported to be repaired. Disruption of service occurs throughout the year but most often during the winter months or during stormy weather. In October 1997, we purchased a FAX machine for personal and business use. On some occasions faxes are sent without problem. At least 50-60% of the time, we are unable to send a fax due to 'line error.' On some occasions, we try 3-4 times before a message is faxed and on other occasions, we may have to wait a period of time before attempting again. From reports from our neighbors, our area is unable to successfully have the Caller ID feature. This is something we would like to obtain but are unable due to the problems. In addition, we would like to purchase another computer in the future and have access to E-mail and the Internet. But again, this service is not possible for phone customers in our area. Our telephone service provider has been lacking for years in just providing basic, dependable, consistent service. We are paying for services we do not receive and, in addition, do not have the capability of receiving services or features that practically all subscribers have." The complainant requested the following relief: "I feel U S WEST Communications needs to replace the archaic system in our area as soon as possible to meet basic and future needs. We have paid for a service for years which we are not receiving and which is not meeting the subscribers needs. Moreover, repeated problems have not been solved--only fixed temporarily."

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 June 30, 1998, at a duly noticed meeting, Mr. Pettigrew presented his position to the Commission. US WEST stated that the problem area that Mr. Pettigrew complained of was scheduled to be updated by the end of the construction season.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and 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. Pettigrew will be updated this year, the Commission will defer any action on the complaint at this time. 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 9th day of July, 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: <u><i>William Kelbo</i></u>
Date: <u>7/10/98</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