

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FINDING
BY PAUL MALSOM, MINA, SOUTH DAKOTA,)	PROBABLE CAUSE
AGAINST U S WEST COMMUNICATIONS, INC.)	
REGARDING UPDATING LINES)	TC98-128

On July 7, 1998, the Public Utilities Commission (Commission) received a complaint filed by Paul Malsom, Mina, South Dakota, against U S WEST Communications, Inc. (U S WEST). The complainant stated that his "complaint is toward U S WEST Communications. I am no longer a customer of U S WEST. My telephone service is with McLeodUSA. The problem is McLeodUSA just rents the telephone line from U S WEST. U S WEST does all of the repairs and service work on the lines and switch boards. My problems have been occurring for approximately ten years. My phone is out of service quite often. I lose my service almost once a month. Moisture seems to be the biggest problem. When the phone is out, it usually is two days before service is restored. Recently my phone will ring once, then stop. When you pick up the phone, nobody is there. This occurs sometimes often during the day or night. My phone almost always has some static in the background. I am an internet customer also. When the static is high, I cannot connect. Also the static disconnects me quite often. As a farmer, the internet is very important to my business. I use the internet to keep track of markets and weather conditions. I am also concerned about what would happen in case of a farm accident or an emergency. We live 25 miles from the nearest hospital. If our phone is out, we have no way to contact emergency help. Usually when our phone is out, the neighbors' is also out of service. From what I understand, my phone system is outdated. The lines' insulation is also brittle and weathered. The system that I have is not capable of caller ID. I feel if other customers in our area can get that option, I should also be able to." The complainant requested the following relief: "I think U S WEST should update our phone system. Whatever it takes to solve our phone problems and make it more reliable. Possibly new lines and new switching systems. We are still on an old party line type system."

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 July 23, 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 October 31, 1998.

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 5th day of August, 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: Rebecca Kelbs

Date: 8/6/98

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner