

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

IN THE MATTER OF THE COMPLAINT FILED) BY WILSON ENTERPRISES, INC., HILL CITY,) SOUTH DAKOTA, AGAINST U S WEST) COMMUNICATIONS, INC. REGARDING) UPDATING LINES)	ORDER FINDING PROBABLE CAUSE TC98-132
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On July 13, 1998, the Public Utilities Commission (Commission) received a complaint filed by Wilson Enterprises, Inc., Hill City, South Dakota (Wilson), against U S WEST Communications, Inc. (U S WEST). The complaint states that Wilson is unable to use or access digital services, including caller ID, there is slow internet connection, and fax and credit card machines often fail. The complainant requested newer, fast, reliable, digital service associated with its main number.

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 August 18, 1998, at a duly noticed meeting, U S WEST stated that the problem area that Wilson complained of was scheduled to be updated in 1999. Dean Wilson also appeared at the meeting and indicated that additionally he was experiencing voice grade problems.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 49-13, 49-31, 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 Wilson will be updated in 1999, the Commission will defer any action on the complaint until July 1, 1999, with the provision that U S WEST is to keep the Commission and Wilson informed of its schedule for completing the updating of facilities to Wilson. 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 and defers further action in this docket until July 1, 1999. It is further

ORDERED that U S WEST will keep the Commission and Wilson informed, in writing, of its schedule for completing the updating of facilities to Wilson.

Dated at Pierre, South Dakota, this 25th 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: <u>Alaine Kelbo</u>
Date: <u>8/25/98</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