

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FINDING
BY DALE W. AND P. RENE LARSON, LEAD,)	PROBABLE CAUSE AND
SOUTH DAKOTA, AGAINST U S WEST)	NOTICE REQUIRING
COMMUNICATIONS, INC. REGARDING)	ANSWER
DISCONNECTION)	TC98-156

On September 11, 1998, the Public Utilities Commission (Commission) received a complaint filed by Dale W. and P. Rene Larson, Lead, South Dakota (Complainants), against U S WEST Communications, Inc. (U S WEST) regarding their business line being disconnected. Complainants allege that on August 22, 1998, their telephone number was disconnected and someone else's number was ringing into their line. The business line had been disconnected several days before the problem was discovered. The Complainants requested a repair of their service. At the time the Complainants filed the complaint, the service had not been repaired. The Complainants are requesting \$1,500 from U S WEST for lost business and damages.

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 October 20, 1998, at a duly noticed meeting, Complainants explained their complaint to the Commission. A representative of U S WEST explained its position stating that the complaint should be dismissed. Commission Staff recommended a finding of probable cause.

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, 49-31-60 through 49-31-68, inclusive, 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 26th day of October, 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>Helaine Kaabo</i></u>
Date: <u>10/27/98</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