

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FINDING
BY BARRY AND DAWN AUSTIN, WHITE OWL,)	PROBABLE CAUSE AND
SOUTH DAKOTA, AGAINST GOLDEN WEST)	NOTICE REQUIRING
TELECOMMUNICATIONS COOPERATIVE, INC.)	ANSWER
REGARDING DISCRIMINATORY)	
INSTALLATION FEES)	TC98-179

On September 23, 1998, the Public Utilities Commission (Commission) received a complaint filed by Barry and Dawn Austin, White Owl, South Dakota (Complainants), against Golden West Telecommunications Cooperative, Inc. (Golden West). The complaint alleges that Golden West discriminates against mobile home owners in its line extension policy. The Complainants request that Golden West make an exception to its policy and review each case on an individual basis or abolish the policy entirely.

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 15, 1998, at a duly noticed meeting, Ms. Austin explained her complaint to the Commission. Golden West stated its position for having the policy. Commission Staff recommended a finding of probable cause.

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, 49-31-11, 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. 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 Golden West and Golden 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>William Koelbo</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