

Telecommunications Orders - Issued 1999

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

IN THE MATTER OF THE COMPLAINT FILED BY)	ORDER
BASEC.NET, HURON, SOUTH DAKOTA, AGAINST U S)	CANCELLING
WEST COMMUNICATIONS, INC. AND FIRSHEL, INC.)	HEARING
REGARDING BILLING ISSUES)	
)	
)	TC98-194

On October 26, 1998, the Public Utilities Commission (Commission) received a complaint by Marvie Tschetter of Basec.Net, Huron, South Dakota (Basec.Net), against U S WEST Communications, Inc. (U S West) and FirsTel, Inc. (FirsTel). Basec.Net states that it purchased an existing business and contacted U S WEST to continue customer access through T-1 lines. U S WEST informed Basec.Net it could not take over payment of the lines unless the previous owner's debt was paid in full. Basec.Net decided to move the equipment and obtain services through FirsTel. After obtaining the services, Basec.Net was informed by U S WEST that they would be charged for installation/construction fees, the old billings of the previous owner, and additional charges for monthly service until other options were available. Neither U S WEST nor FirsTel disclosed these costs prior to providing service. FirsTel offered a plan with minimal installation fees but could not offer the service for 15-20 days which would not allow Basec.Net's customers access to their services. Basec.Net seeks the following relief: "1) Require U S WEST to inform promptly of facilities issues. 2) Some sort of financial compensation for loss of revenue."

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 November 3, 1998, a duly noticed meeting, the Commission reviewed the complaint. The Commission voted unanimously to find probable cause and served the complaint on U S WEST and FirsTel. U S WEST filed its Answer to Complaint and Counterclaim on November 30, 1998. FirsTel filed its Answer to Complaint of Basec.Net and Cross Claim against U S WEST Communications, Inc., on November 30, 1998. Basec.Net filed its Answer to U S WEST's Counterclaim on December 11, 1998. U S WEST filed its Answer to Cross-Claim of FirsTel on December 18, 1998.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-2, 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 20:10:01:28, inclusive. The Commission may rely upon any or all of these or other laws of this state in making its determination.

By order dated January 25, 1999, a hearing was scheduled for March 31 to April 1, 1999, beginning at 8:30 o'clock A.M., on March 31, in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. On March 30, 1999, the Commission received a letter from the Complainant's attorney stating that the parties have agreed in principle to a settlement of the matter, that the Complainant will not be in attendance at the hearing, and that the Commission may want to cancel the hearing. Based on the request of Complainant's attorney, the hearing scheduled for March 31 to April 1, 1999, is cancelled. It is therefore

ORDERED, that the hearing scheduled for March 31 to April 1, 1999, is cancelled.

Dated at Pierre, South Dakota, this 30th day of March, 1999.

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: _____

Date: _____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

LASKA SCHOENFELDER,
Commissioner

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