

TC97-107

KC 1-11

TC97-107

DOCKET NO.

In the Matter of **IN THE MATTER OF THE COMPLAINT
FILED BY KATHY ROTTENBUCHER,
NEWELL, SD, AGAINST STATELINE
TELECOMMUNICATIONS, INC.,
REGARDING UNPUBLISHED ADDRESS**

Public Utilities Commission of the State of South Dakota

DATE	MEMORANDA
6/23/97	Filed andocketed,
6/26/97	TC. For Release;
7/29/97	Order Finding Probable Cause and Notice Requiring Answer,
8/14/97	Answer and Motion to Dismiss,
8/25/97	Letter from state attorney,
10/1/97	Order for and notice of hearing,
10/5/97	Transcript of hearing held on 10/27/97;
12/1/97	Final Order and Decision, Notice of Entry of Order,
12/1/97	Docket Closed

NEXT

DOCUMENT (S)

BEST IMAGE

POSSIBLE

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

JUN 23 1997

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

COMPLAINT

Complainant(s): (The party filing the complaint)		Respondent(s): (The person or Company complained against)	
Name	KATHY ROTTENBUCHER	Contact Person	WEST RIVER ELECTRIC
Address	413 9th St	Company	STATELINE COOP.
City, State, Zip	NEWELL, SD 57760	Address	PO BOX 39
Work Phone	N/A	City, State, Zip	BISON, SD 57620
Home Phone	605 456-9851	Work Phone	
Cellular Phone	N/A	Cellular Phone	?
Fax	N/A	Fax	?

If the Complainant is represented by an attorney, please list the attorney's name, address, telephone number and fax number below.
If Complainant is not represented by an attorney, please leave blank:

The facts giving rise to my complaint:

I specifically requested and insisted on an unpublished address. STATELINE furnished and provided us with information for North Black Hills and surrounding areas. It came to my attention I called immediately and spoke to statelines manager Jerry, he admitted that he and his employee failed to check their info. His employee prepared an okayed a customer list & Jerry okayed her list without checking her work. (To my knowledge this info is provided without any customer input or approval, it was worked out with us west so as to provide Rapid City phone book to west river customers. I confronted Jerry with my disgust and disappointment and received no apology. I insisted he correct the matter, discipline his employee and compensate me for the violation of our trust & confidence & betrayal. He stated he had to get approval from his boss first and added, he wouldn't discuss discipline with us. I insisted on talking to his boss. He wasn't in, he took my name - phone number and I requested he call me.

NOTE: Please attach additional pages, if necessary, to explain your situation. Also enclose copies of any bills or other documents which may pertain to your complaint.

RESOLUTION REQUEST

I ask that the Public Utilities Commission grant the following relief. (What do you think the Commission should do to solve this problem?)

for all parties
I want proof of written reprimands, I want proof they made changes to avoid future incidents, I want access to Board of Directors, and I want one thousand dollars for violation of trust, confidence, betrayal of a contract for emotional, mental anguish and distress, and inconvenience.

NOTE: Please attach any additional pages, if necessary.

VERIFICATION

Signature must be witnessed by a notary public.

Kathy Rattenbucher

6-20-97

Complainant's Signature

Date

State of South Dakota)

County of Butte)
:ss

On this 20th day of June, 1997, before me personally came and appeared Kathy Rattenbucher known to me to be the individual described herein and who executed the foregoing instrument, and who duly acknowledged to me that he/she executed same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Diana D. Page
Signature of Notary Public

(SEAL)

DIANA D. PAGE
My Commission Expires Jan. 10, 2002

My commission expires: _____

RESOLUTION REQUEST

I ask that the Public Utilities Commission grant the following relief. (What do you think the Commission should do to solve this problem?)

for all parties,
I want proof of written reprimands, I want proof they made changes to avoid future incidents, I want access to Board of Directors, and I want one thousand dollars for violation of trust, confidence, betrayal of confidence for emotional: mental anguish and duress, and inconvenience.

NOTE: Please attach any additional pages, if necessary.

VERIFICATION

Signature must be witnessed by a notary public.

Kathy Rottenbuecher
Complainant's Signature

6-20-97
Date

State of South Dakota)
County of Butte :SS

On this 20th day of June, 1997, before me personally came and appeared Kathy Rottenbuecher, known to me to be the individual described herein and who executed the foregoing instrument, and who duly acknowledged to me that he/she executed same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Diana D. Page
Signature of Notary Public

2- as soon as he arrived that following Monday, I requested his name. Monday came, and almost gone and so call, I had to call him Mr. D. Henderson, I asked him why he did not return my call, he only commented he had some info. on the incident, and my name. I insisted on discussing the incident and my experience dealing with his manager, (Jerry) He was arrogant, insensitive, non-chalant about the matter. I let him know in no uncertain terms how exasperated & disgusted I was, I told him the harm has been done, all the phone books for this area have been printed & distributed, I asked him what he was going to do to make this right? He asked me what I wanted him to do, I stated discipline his employees with a written reprimand, put in place precautions to prevent future incidents, and I want to be compensated. He said, "First the harm has already been done, and we've corrected ourselves so that next year your address will be unpublished." He said, "He will not compensate me at this time, I'd have to prove harm done". Failing to get satisfaction I called puc in Rapid City, I also spoke with a representative from US West. I told Mr. D. Henderson I was going to take this further and he told me to go ahead and do whatever

3 - I wanted too. No apologies.

I called West River Electric Coop and requested the Board of Directors names. Gladys (Office manager) refused to give me the names unless Mr. Henderson approved. I told her that they are public officials, I have a right to have access to them; she continued to refuse. I called City official here in Newell, SD to get names, and he gave me what info. he had. I wrote my first letter to President of Board of Directors in care of West River Electric Coop. No response, I wrote the governor then, a second letter to the Board's president, by certified mail. Still no answers, so with the Governor's help, I'm filing this formal complaint with pvc.

We had an unpublished address for 13 1/2 years we lived in Sturgis, SD and wished too have it remain so when we moved to Newell, SD.

It wouldn't be right or fair for us to have to sell our new home we've had for less than a year & uproot our children and move again but that could happen because of statelines violating us, thereby causing real harm; implied harm.

South Dakota
Public Utilities Commission
State Capitol 500 E. Capitol
Pierre, SD 57501-5070
Phone: (800) 332-1782
Fax: (605) 773-3809

TELECOMMUNICATIONS SERVICE FILINGS

These are the telecommunications service filings that the Commission has received for the period of:

06/20/97 through 06/26/97

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five days of this filing.

DOCKET NUMBER	TITLE/STAFF/SYNOPSIS	DATE FILED	INTERVENTION DEADLINE
REQUEST FOR CERTIFICATE OF AUTHORITY			
TC97-106	Application by Call Plus, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/CH) "Applicant is a switchless reseller which intends to offer 1+ direct dialing, 800 toll free and travel card service (not prepaid calling cards) through the resale of telephone services provided by facilities-based interexchange carriers."	06/20/97	07/11/97
TC97-110	Application by MFS Network Technologies, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: DJ/TZ)	06/25/97	07/11/97
TC97-111	Application by Z-Tel, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/TZ) Applicant seeks authority to provide MTS, out-WATS, in-WATS, and calling card services. Applicant does not intend to provide operator services, 900 or 700 services.	06/25/97	07/11/97
TC97-112	Application by CapRock Communications Corp. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/TZ) Applicant seeks authority to provide Message Toll Service, Incoming 800, Travel Card and Prepaid Calling Card services.	06/25/97	07/11/97
REQUEST FOR ELIGIBLE TELECOMMUNICATIONS COMPANY STATUS			
TC97-108	Faith Municipal Telephone Company pursuant to 47 U.S.C. 214(e) and 47 CFR 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. Faith Municipal Telephone Company is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchange: Faith (967). Faith Municipal Telephone Company, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff: HB/KC)	06/23/97	07/11/97
TC97-113	Armour Independent Telephone Company pursuant to 47 U.S.C. 214(e) and 47 CFR 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. Armour Independent Telephone Company is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchange: Armour (724). Armour Independent Telephone Company, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff: HB/CH)	06/25/97	07/11/97

TC97-114	Bridgewater-Canistota Independent Telephone Company pursuant to 47 U.S.C. 214(e) and 47 CFR 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. Bridgewater-Canistota Independent Telephone Company is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges: Bridgewater (729) and Canistota (296). Bridgewater-Canistota Independent Telephone Company, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff: HB/CH)	06/25/97	07/11/97
TC97-115	Union Telephone Company pursuant to 47 U.S.C. 214(e) and 47 CFR 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. Union Telephone Company is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges: Hartford (528) and South Hartford (526). Union Telephone Company, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff: HB/CH)	06/25/97	07/11/97
FORMAL COMPLAINT			
TC97-107	Kathy Rottenbacher vs. Stateline Telecommunications, Inc. "I specifically requested and insisted on an unpublished address. Stateline furnished and provided U S WEST this information for [the] Northern Hills and Surrounding Areas... I want proof of written reprimands for all parties, I want proof they made changes to avoid future incidents, I want access to Board of Directors, and I want one thousand dollars for violation of trust, confidence, ... and for emotional and mental anguish and duress. and inconvenience." (LH/TZ)	06/23/97	NA
FILING OF INFORMATIONAL INTRASTATE PAYPHONE TARIFFS			
No	East Plains Telecom, Inc. on June 13, 1997.	NA	NA

Important Notice: The Commission is compiling a list of internet addresses. If you have an internet address please notify the Commission by E-mailing it to Terry Neuman at terry@pub.state.sd.us or by filing the address to the Commission at 605-773-3809.

BUCKMASTER AND MACY, LLP

ATTORNEYS AT LAW
1601 8th Avenue • P.O. Box 736
BELLE FOURCHE, SD 57717-0726

~~CONFIDENTIAL~~

TC97-107

WESLEY W. BUCKMASTER
RANDALL L. MACY

PHONE (605) 802-2623
FAX (605) 886-6237

May 30, 1997

Ms. Kathy Rottenbucher
413 Ninth Street
Newell, SD 57760

Re: Stateline Telecommunications, Inc.
Our File #8556.003

Dear Ms. Rottenbucher:

I have been asked by Stateline Telecommunications to respond to your letter of May 19, 1997. I have reviewed the contents of your letter and I have also discussed your complaint with the management of Stateline Telecommunications.

It is my understanding that you had requested that your phone number and address not appear in any telephone directories. Your phone number and address did not appear in the Stateline telephone directory. However, it did appear in the U S WEST telephone directories. Stateline Telecommunications does have procedures in place to honor requests of customers who ask that their phone numbers and addresses not be published. Unfortunately, your phone number and address were inadvertently published in the U S WEST directories. Stateline is reviewing its procedures and making every effort to prevent this situation from occurring in the future.

The Board of Directors and management of Stateline Telecommunications have authorized me to apologize to you for the inconvenience this has caused. I note that you refer to your attorney in your letter, indicating that you are filing an official complaint. If you would like to have your attorney speak with me, please provide this letter to your attorney so that he can communicate with me directly. Also, if you have any further questions or concerns, I would appreciate it if you would contact me directly.

Thank you for your cooperation.

Sincerely,



RANDALL L. MACY

RLM/cak

cc: Stateline Telecommunications

Stateline

Telecommunications, Inc.



Connecting the Lemmon, Newell and Nisland Exchanges to the World

July 11, 1997

Mr. Wm. Bullard, Executive Director
South Dakota Public Utilities Commission
State Capitol Building, Room 412
Pierre, SD 57501

RECEIVED

JUL 14 1997

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Dear Mr. Bullard:

This letter is submitted to provide the Commission with information concerning the complaint docketed as TC97-107 before the Public Utilities Commission by Ms. Kathy Rottenbacher, Newell, S. D.

In mid May Ms. Kathy Rottenbacher of Newell, SD called the office with a service complaint. Jerry Reisenauer, Administrative Assistant, visited with her regarding her complaint. She stated that she had requested her address not be printed and wanted to know why it had been printed in the Northern Hills Directory. Mr. Reisenauer advised her that he was not aware of the problem and if it had happened as she stated that it would have been a mistake made in our office. She wanted to know how this mistake could have happened and Mr. Reisenauer explained that U S West provides us with a directory listing for towns we serve, which is reviewed and updated and then returned to U S West for publishing in their directory. Mr. Reisenauer explained that if the information were included in the directory and we had been advised not to print her street address, that it must have been inadvertently missed when updating the directory information and offered our apologies for the error.

Ms. Rottenbacher was very irate and inferred that we intentionally included her address in her listing in the U S West Directory. Mr. Reisenauer again apologized for the apparent error and assured her that this had not been done intentionally and it was apparently an honest mistake. At that point, she wanted to know who was responsible for updating the directory information and she was advised that an individual within the office had completed the project. She wanted to know who supervised this individual and what disciplinary measures would be taken against the individual. Mr. Reisenauer explained to her that he was the individual responsible for the directory project but declined to discuss disciplinary measures.

Ms. Rottenbucher proceeded to advise Mr. Reisenauer that she felt she was injured by the error and stated that we were going to pay. Mr. Reisenauer again apologized for the apparent error. She wanted to know how we planned to compensate her. Mr. Reisenauer advised her that he was not in a position to offer any monetary settlement and that he would inform the General Manager of her complaint. She asked for the General Manager's name and was advised that it was Darrell Henderson. She asked that Mr. Henderson contact her regarding the matter and was assured that her request would be forwarded to the General Manager. At that point Ms. Rottenbucher hung up on Mr. Reisenauer.

When I returned to the office I asked Mr. Reisenauer to review our procedures for handling special requests so that I would be completely informed when I called Ms. Rottenbucher. Before I returned her call, Ms. Rottenbucher called again. She was very agitated and I was unable to appease her. I did attempt to explain how this unfortunate error had occurred and told her that we were implementing an additional computer file for special requests such as this. She told me that the employee responsible should be disciplined, that Mr. Reisenauer should be fired and she wanted written confirmation of these events. She also indicated that she had suffered great damage from our error and should be compensated, although she did not indicate how she had incurred any actual damages or the amount of compensation that she felt was appropriate. During the course of this conversation I apologized at least three times for our error. These apologies apparently did not placate Ms. Rottenbucher. She indicated that she intended to take legal action if we did not meet her demands. Eventually, she asked again what we intended to do about compensating her and I indicated to her that we did not believe compensation was appropriate. At that point she terminated our conversation by hanging up.

Subsequently, Ms. Rottenbucher called our office in Bison and requested the names and addresses of the Board of Directors of Stateline Telecommunications, Inc. (STI). Per my directions, this information was not provided because it was apparent from our telephone conversations that Ms. Rottenbucher intended to harass individual directors. STI is a private corporation and the directors are not public figures. Ms. Rottenbucher then wrote a letter on May 19, 1997 to the Board of Directors in which she requested letters of reprimand for involved employees, an official apology, compensation in an amount equal to \$1.00 for each U S West Northern Hills

Mr. Wm. Bullard

3

July 11, 1997

Directory published and an investigation into the operations of STI including safeguards to prevent recurrence. She asked for a written response in her letter. This letter was turned over to Mr. Randall Macy of Buckmaster and

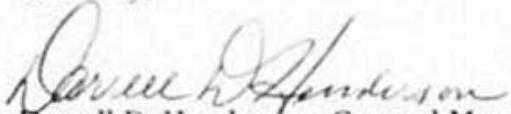
Macy, LLP, who is STI's legal counsel, and he was instructed to respond and provide an official apology from STI to Ms. Rottenbucher. Mr. Macy responded to her letter on May 30, 1997. (Copy attached)

Ms. Rottenbucher then wrote a second letter on June 4, 1997 in which she stated that her lawyer insists that STI respond to her questions regarding disciplinary action, compensation, future protection and steps being taken to correct and update next year's directory. Since that point in time Ms. Rottenbucher has filed her complaint with the Commission.

STI has taken steps to prevent recurrence, to make sure that next year's directory is corrected and has apologized at least seven times via telephone conversations involving Mr. Reisenauer and myself and by letter from Mr. Macy. We do not believe that compensation is appropriate. While we believe the incident was unfortunate and have apologized on numerous occasions, we also believe that anyone wishing to locate Ms. Rottenbucher could do so with minimal effort in a town the size of Newell by simply asking for directions. Ms. Rottenbucher could have insured anonymity by simply requesting a non-listed, non-published number instead of requesting that her address be left out of the directory.

We would appreciate the opportunity to respond to any other questions the Commission may have regarding this incident.

Sincerely,



Darrell D. Henderson, General Manager

DDH:gj

Enclosure

BUCKMASTER AND MACY, LLP

ATTORNEYS AT LAW

1501 5th Avenue - P.O. Box 726

BELLE FOURCHE, SD 57717-0726

ATTACHMENT

WESLEY W. BUCKMASTER
RANDALL L. MACY

PHONE (605) 892-2623
FAX (605) 882-4337

May 30, 1997

Ms. Kathy Rottenbucher
413 Ninth Street
Newell, SD 57760

Re: Stateline Telecommunications, Inc.
Our File #8556.003

Dear Ms. Rottenbucher:

I have been asked by Stateline Telecommunications to respond to your letter of May 19, 1997. I have reviewed the contents of your letter and I have also discussed your complaint with the management of Stateline Telecommunications.

It is my understanding that you had requested that your phone number and address not appear in any telephone directories. Your phone number and address did not appear in the Stateline telephone directory. However, it did appear in the U S WEST telephone directories. Stateline Telecommunications does have procedures in place to honor requests of customers who ask that their phone numbers and addresses not be published. Unfortunately, your phone number and address were inadvertently published in the U S WEST directories. Stateline is reviewing its procedures and making every effort to prevent this situation from occurring in the future.

The Board of Directors and management of Stateline Telecommunications have authorized me to apologize to you for the inconvenience this has caused. I note that you refer to your attorney in your letter, indicating that you are filing an official complaint. If you would like to have your attorney speak with me, please provide this letter to your attorney so that he can communicate with me directly. Also, if you have any further questions or concerns, I would appreciate it if you would contact me directly.

Thank you for your cooperation.

Sincerely,



RANDALL L. MACY

RLM/cak

cc: Stateline Telecommunications

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

IN THE MATTER OF THE COMPLAINT FILED) BY KATHY ROTTENBUCHER, NEWELL, SD,) A G A I N S T S T A T E L I N E) TELECOMMUNICATIONS, INC. REGARDING) UNPUBLISHED ADDRESS)	ORDER FINDING PROBABLE CAUSE AND NOTICE REQUIRING ANSWER TC97-107
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On June 23, 1997, the South Dakota Public Utilities Commission (Commission) received a complaint from Kathy Rottenbucher (Complainant), Newell, SD, against Stateline Telecommunications, Inc. (Stateline) regarding an unpublished address. Complainant states that she specifically requested an unpublished address, but her address was published in the Rapid City telephone book for West River customers. Stateline provides customer information to U S WEST Communications, Inc. for the purpose of publishing telephone books. Complainant requested proof of written reprimands for all parties, proof that changes were made to avoid similar mistakes in the future, access to the Board of Directors, and one thousand dollars for violation of trust, emotional and mental anguish, duress, and inconvenience.

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 15, 1997, at its duly noticed meeting, the Commission reviewed the complaint, as well as comments from Complainant and Stateline.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 49-13 and 49-31 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 there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and that the complaint shall be forwarded to Stateline and Stateline shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 29th day of July, 1997.

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>Dilbert Kalbo</i></u>
Date <u>7/30/97</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

BUCKMASTER AND MACY, LLP
LAW FIRM

1501 5th Avenue • P.O. Box 726
BELLE FOURCHE, SD 57717-0726

WESLEY W. BUCKMASTER
RANDALL L. MACY

PHONE (605) 892-2623
FAX (605) 892-6337
e-mail: bmlaw@tw.net

August 12, 1997

RECEIVED

AUG 14 1997

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Public Utilities Commission
State Capitol
500 E. Capitol Avenue
Pierre, SD 57501

Re: Kathy Rottenbacher Complaint, TC97-107
Our Client: Stateline Telecommunications, Inc.
Our File #8556.001

To Whom It May Concern:

Enclosed for filing is an original and three copies of the Answer and Motion to Dismiss of Respondent, Stateline Telecommunications, Inc. I have also enclosed a Certificate of Service showing that we served Ms. Rottenbacher with a copy of the Answer and Motion to Dismiss.

Thank you for your consideration. If you have any questions or concerns, please feel free to contact me.

Sincerely,


RANDALL L. MACY

RLM/cak
Enclosure
cc: Darrell Henderson

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

RECEIVED

AUG 14 1997

IN THE MATTER OF THE COMPLAINT FILED)
BY KATHY ROTTENBUCHER, NEWELL, SD,)
AGAINST STATELINE)
TELECOMMUNICATIONS, INC. REGARDING)
UNPUBLISHED ADDRESS)

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION
ANSWER AND
MOTION TO
DISMISS
TC97-107

COMES NOW, Stateline Telecommunications, Inc. (hereinafter Stateline), by and through its attorney, Randall L. Macy, of the law firm of Buckmaster and Macy, LLP, and answers the complaint filed by Kathy Rottenbucher as follows:

I.

Complainant's grievance against Stateline is that Complainant's street address was published in certain telephone directories. In none of such directories does Complainant's name appear. The address appears under the name of Complainant's husband, Jake Rottenbucher. When Rottenbuchers requested telecommunications service, they requested that the name of Jake Rottenbucher be listed, that the phone number be listed and that the town be listed. Rottenbuchers did request that their street address not be made a part of the listing.

II.

Jake Rottenbucher's name and phone number were published in the Stateline directory without an address, just as requested. (A copy of the listing in the Stateline directory is attached hereto, marked Exhibit A and incorporated herein by this reference.)

However, when the information was provided to US WEST for publication in its directories, Jake Rottenbucher's address was also provided and published. (A copy of the U S WEST directory is attached hereto, marked Exhibit B and incorporated herein by this reference.)

III.

Even though the town and telephone number of Complainant's husband was published at the request of Complainant, Complainant argues that publication of a street address in Newell, South Dakota, population 650, somehow breached her confidentiality. Stateline wishes to point out to the Commission that Complainant did not request a nonlisted, nonpublished number, which would have ensured that the name, address and telephone number assigned to Rottenbuchers would not be printed in any directories and would not be released or given out by directory assistance under any circumstances.

IV.

Further, anyone seeking a street address for the Rottenbuchers could find it simply by requesting the information from the Butte County Register of Deeds, the Butte County Treasurer or the Butte County Assessor. The address of the Rottenbuchers is on file with each of those government agencies and is available public

information for anyone requesting it. A copy of a Warranty Deed recorded with the Butte County Register of Deeds on October 2, 1996, in Book 276, Page 646, as Document #96-1853, which includes the Rottenbuchers' street address, is marked Exhibit C, attached hereto and incorporated herein by reference. The street address on the deed is the same address that Complainant claims was confidential.

V.

Stateline admits that the publishing of the street address was an oversight however, Stateline does not agree that such oversight is probable cause of an unlawful or unreasonable act, rate, practice, or omission as indicated in PUC Order dated July 29, 1997. Stateline is prepared to fully defend in front of this Commission, the claims of damage and unlawful or unreasonable act as a result of the inclusion of a street address for Newell, South Dakota.

Wherefore:

1. Stateline respectfully requests that the PUC dismiss the complaint because Complainant does not have standing to bring such complaint ARSD 20:10:01:11.01; and

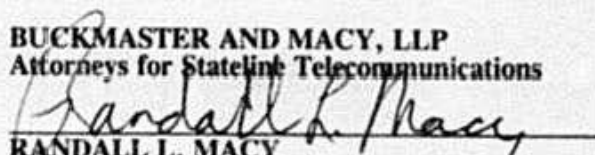
2. The complaint is not good and sufficient reason for a complaint pursuant to the rules of the South Dakota Public Utilities Commission and South Dakota law ARSD 20:10:01:11.01.

3. In the alternative, should the Public Utilities Commission decide not to dismiss the complaint at this time, Stateline respectfully requests that a hearing be set on this matter at the earliest practical time so that Stateline may respond to the allegations of injury and damage as claimed by Complainant.

Dated this 13th day of August, 1997.

BUCKMASTER AND MACY, LLP
Attorneys for Stateline Telecommunications

By:


RANDALL L. MACY
1501 Fifth Avenue
P.O. Box 726
Belle Fourche, SD 57717-0726
605-892-2623

O

O'Brien Frank & Betty RR Vale	456-2866
O'Dea Jim	456-2534
Ockukov Danoff & Fecky RR 3 Box 244 Vale	456-2208
Olinger Steve 701 Dartmouth	456-2886
Olive Jean & Bill	456-2704
Olive Randy 113-6th St	456-2632
Oliv's Art Vale	456-2242
Oliv David RR 1 Box 55	456-2235
Olsen Ken & Frances 916 Park Av	456-2711
Olsen Norman RR 1 Box 35 Vale	456-2717
Omsahl Walter T 116-4th St	456-2263
Ott Wheeler 203 Ash St	456-2891

P

Page Allen 505 Elmira	456-2720
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Parker Leonard & Laurie 222 8th St	456-2701
Pauler Eric RR Vale	456-2724
Pauler & Betty A RR Vale	456-2225
Paton Lloyd 304 9th St	456-2817
Peterson Arthur RR	456-2521
Peters Floyd RR 1 Box 14	456-2875
Peters Scott & Ina Vale	456-2264
Pfeumer Beverly PO Box 166 Vale	456-2223
Pfeumer Elton 701 Bedford Av	456-2324
Pfeumer Robert M & Sally Vale	456-2392
P. Wilson Betty Vale	456-2528
Phillips Michael City Trk Pk	456-2530
Pickard W R 514-6th	456-2620
Pickard Helmer Mrs RR	456-2783
Pickola Lela 608 Dartmouth Av	456-2960
Pier Dale RR Vale	456-2578
Pitman Ross RR 1 Box 54	456-2912
Pitman Wood Farms RR 1 Box 54	456-2512

**POLICE
TO SUMMON POLICE
DIAL**

	911
Newell	456-2357
Vale Dispatch	892-2737

Post Auth 310-3-3	456-2141
Post Marche 102 Park	456-2625
Postal T N	456-2165
Prone Rose Cafe 211 Grand Av	456-2417
Preferred Home Health Agency Newell Branch PO Box 515	456-2546
Public Library 208 Grand	456-2170

R

Rabson Dolores C Box 4	456-2301
Rae John Merrill Vale	456-2878
Raeburn Dick 314 Dartmouth Av	456-2269
Rath David & Crystal RR 1 Box 66	456-2831
Ray Troy & Barb Vale	456-2410
Ready Robert Vale	456-2526
Reichert Ray RR 1 Box 94 Vale	456-2136
Reichert Terry RR 1 Box 95 Vale	456-2880
Reid Don 215 Elmira	456-2157
Reynolds David & Pat Vale	456-2392
Remington Len RR Vale	456-2703

Remington Melvin & Joan RR	456-2224
Renssen Daniel I & Kathy	456-2441
Richard Dale RR	456-2173
Richard F 106 Park Av	456-2449
Richard Kim & Dorothy 318 3rd St	456-2123
Richard Morris Vale	456-2728
Richard Rick RR	456-2130
Richter John & Judy RR 1 Box 24 Vale	456-2421
Roadder Frank RR	456-2174
Robbins Betty 509 Grand	456-2429
Robson Frank DVM & Kay RR 1 Box 87a	456-9880
Roch Matt RR 1 Box 640 Vale	456-2414
Rosen Dan & Corina RR 3 Box 22 Vale	456-2428
Rosken Roland & Dolores RR Vale	456-2640
Rosin Daryl RR 1	456-2611
Rosenbush Jake	456-9801
Rousevelt A 602 Anna St Vale	456-2483
Royal Oak Restaurant 100 Dartmouth Av	456-2420
Ryan Robert & Fanny RR 3 Box 220 Vale	456-2524
Rulon R E RR 1 Box 104	456-2710

S

Sack Michael & Eileen RR 1	456-2484
St Mary's Star Of the Sea 306-6th	456-2221
St Onge Livestock Co Ltd Sheep Auction May 212	456-2348
Schaefer Wesley & Judy 1072 Dartmouth Av	456-2520
Schlesky T W & Fay	456-2467
Schlesinger Nora 203-2nd St	456-2456
Schlesinger Don RR 1 Box 145C	456-2440
Schild Paul RR 1 Box 47	456-2212
Schick Donna RR 1 Box 113	456-2419
Schmale Billy RR	456-2606
Schmale Carol RR 1 Box 110A	456-2405
Schmidt Emel Don 157 Vale	456-2074
Schnell Herman K & Barb K RR Vale	456-2350
Schnell Harry RR Vale	456-2740
SCHOOLS	
High School Far	456-2395
Middle School	747-2219
Newell Bus Garage 501 Dartmouth Av	456-2700
Newell Elmer Gary	456-2582
Newell School 501 Dartmouth Av	456-2209
SCHUM J D Vale	456-2374
Schuster J RR 1 Box 136	456-2999
Schweike Darin 320-7th St	456-9683
Schweike Marty 821 Grand Av	456-2443
Schulds Emma 113 Grand Av	456-2105
Schulter Paul & Laurie RR 1 Box 314 Vale	456-2933
Schultz David 821-8th St	456-2490
Schwartz Roger & Karen RR Vale	456-2106
Schwartz John RR 1 Box 45	456-2438
Scott Margaret PO Box 113	456-2707
Seaman Donald R 421 E 6th	456-2678
Seaman Jerry & Dixie RR 1 Box 131	456-2717
Seaman Randy	456-2904
Seaton Brad & Dana RR 1 Box 103 Vale	456-2684
Shaw Walter & Lon Vale	456-2709
Shawyer Terry & Rachelle RR 1 Box 834 Vale	456-2967
Shawyer A James RR Vale	456-2307
Shawyer Larry RR 1 Box 87 Vale	456-2718
Shawyer James & Shelly RR 1 Box 10 Vale	456-2000
Shawyer Margaret RR Vale	456-2317

NEXT

DOCUMENT (S)

DISREGARD

BACKGROUND

MARTIN Tom & Linda 218 S St	456 2900
MARTINEZ J 214 S St Newell	456 2472
MARTY C 717 Dartmouth Av	456 2346
Marylee & Jesse 110 S St	456 2794
MAUCH James 629 Fisk Newell	456 9833
L RR 1 Box 25 B Newell	456 2861
MAXWELL John & Connie RR 1 Box 52 Newell	456 9831
Robert RR 1 Box 7 Newell	456 2862
MC CARTHY Vernon 627 Dartmouth Newell	456 2158
MC CUNE Daniel C RR 1 Box 100a	456 2840
MCDERMOTT Christine 111 Birch St Newell	456 2342
MCGEE Wayne 322 S St Newell	456 9888A
MCMURKIN Phil RR 2 Box 23 Newell	456 2238
MELIAC Tamara 721 Grand Av Newell	456 2504
MEALS PROGRAM 122 1/2 St Newell	456 9871
MERSON Larry 212 S Grand Av Newell	456 2945
MERWIN Albert 410 Astor St Av	456 2892
METTLER Richard 221 Elm St Newell	456 2626
METTLERS Jack & Jill 279 Grand Newell	456 2510
MEYER Kathleen 805 Dartmouth Av	456 2964
MIDCONTINENT CABLE TV	
TOLL FREE DIAL 1 & THEN	800 592 1890
NEWELL CABLE TV	
MIKUDOK B R 108 Grand Av	456 2966
MILBERG INSURANCE AGENCY	
102 S St Newell	456-2583
MILBERG Keith 214 Dartmouth	456 2607
MILES Bill 222 7th Newell	456 2527
Robert & Sharon 106 S Dartmouth Av	456 2114
MILLER Richard PO Box 328 Newell	456 2811
MOORE Debbie PO Box 685 Newell	456 2929
MOODY Doretha 101 Fisk Newell	456 2661
MOORE DONALD M 111 3rd St Newell	456 2211
MOORE Marlene 111 S St Newell	456 2418
MOORE'S ROOMS 111 3rd St Newell	456 2211
MORRIS Carl & Ann 518 Fisk Av	456 2213
MOROVITS Glen & Sherry RR 2 Box 27 Vae	456 2662
MOUNTAIN WOOD WAREHOUSE Newell	456 2257

N

N V N SENIOR CITIZENS CENTER 120 S Newell	456 2186
NEELER Donald 412 S St Newell	456 2132
NELAN Nathan & Roxanne RR 1 Box 145 Newell	456 2869
NETZEL Max & Betty PO Box 176 Vae	456 2821
NELSON Donald C & Greta 127 Ash St	456 2262
Elmer M 410 Dartmouth Newell	456 2468
Emil PO Box 25 Newell	456 2803
Carly L 721 Fisk Av Newell	456 2293
Harold RR 1 Box 35 Newell	456 2731
John R & Regan 122 Dartmouth Av Newell	456 2813
R RR 1 Box 35 Newell	456 2596
Tammie 379 Dartmouth Av Newell	456 2454
Wesley 521 Fisk Newell	456 2554
NEUMILLER Bernard 411 A Newell	456 2460
NEW DAWN CENTER RR 1 Box 115 Vae	456 2968
NEWELL AMICO 207 Dartmouth Av Newell	456 2112
NEWELL CABLE TV	
TOLL FREE DIAL 1 & THEN	800 592 1890
NEWELL CITY LIBRARY 208 Grand Newell	456 2175

NEWELL CITY OF—

AMBULANCE	911
AUDITOR 108 3rd St	456 2737
LIQUOR STORE 312 Grand Newell	456 1802
MUNICIPAL BAR 312 Grand Newell	456 9802
POLICE DEPT 102 3rd St Newell	456 2357
IF NO ANSWER CALL	292 7737
WATER DEPT 102 4th Newell	456 2812

NEWELL CLINIC—

212 Grand Av Newell	456 2462
FOR APPOINTMENTS	
TOLL FREE DIAL 1 & THEN	800 972 2752
NEWELL GOLF CLUB RR Newell	456 2195
NEWELL HOTEL & APARTMENTS	
113 Grand Av Newell	456 2789

NEWELL IMPLEMENT INC

320 Grand Newell	456-2313
NEWELL RAMP SALE Newell	456 2941
NEWELL STANDARD 106 8th Newell	456 2113
NEWELL VETERINARY SERVICE 1 Newell	456 2828
NEWTH Robert P 522 Dartmouth Newell	456 2135
NISSEN Abner T Marie R 113 Elmira Newell	456 2469
NOWELL Roger C 516 Fisk Av	456 2129

O

O'DEA Dean & Sally RR 1 Box 21 Vae	456 2866
O'DEA Jim RR 1 Box 58 Newell	456 2534
ODERKOVEN Darrell & Penny RR 1 Box 24 Vae	456 2556
OLINGER Steve & Sylvia 701 Dartmouth Av	
Newell	456 2886
OLIVER Dean E RR 1 Box 16 Newell	456 2204
OLIVER RANDY 113 S St	456 2632
OLLILA Art RR 1 Box 248 Vae	456 2242
David RR 1 Box 35	456 2235
OLSON Ken & Frances 878 Fisk Av	456 2711

OLSON Norman RR 1 Box 35 Vae	456 2717
OMDAHL Walter T & Marie E 116 4 St Newell	456 2263

P

PAGE Allen 505 Elmira Newell	456 2720
PAGE AUTO SUPPLY 121 S Dartmouth	456 2944
PAGE Les 104 S Grand Newell	456 2271
PAID Martin RR 1 Box 87 Newell	456 2552
PADLER Lawrence & Laurie 322 B St	456 2701
PAULEY Sara RR 1 Box 1 Vae	456 2724
Gregory A RR 1 Box 26 Vae	456 2228
PELTON Linda 104 9 St	456 2817
PERDUE Arthur RR 1 Box 125 Newell	456 2521
PETERS Floyd RR 1 Box 14	456 2875
PETSCHE Scott & Lori PO Box 172 Vae	456 2264
PFLEUMER Beverly PO Box 186 Vae	456 2233
Eileen 101 Dartmouth Av Newell	456 2324
Robert M & Sally P O Box 176 Vae	456 2392
PHILLIPEN Gary RR 1 Box 176 Vae	456 2528
PHILLIPS Michael City Trn Pa Newell	456 2530
PICKARD W R 174 4th Newell	456 2820
PIEKARDA Wilmer Mrs RR 1 Box 105 Newell	456 2783
Lela 526 Dartmouth Av	456 2960
Robert RR 1 Box 105 Newell	456 2783
PRES Dale RR 1 Box 106 Vae	456 2975
PITTMAN Ross M 102 Elmira Av Newell	456 2512

POLICE—

TO SUMMON POLICE DIAL	911
NEWELL	456 2357
VALE DISPATCH	292 2737

POST Austin 150 3rd St Newell	456 2141
POWELL T N Rt 1 Box 2a Newell	456 2165
PUBLIC LIBRARY 208 Grand Newell	456 2179

R

RAISANEN Del HC 71 Box 4 Newell	456 2111
RAJEVICH Dick 114 Dartmouth Av Newell	456 2409
RATH Crystal & David RR 1 Box 64 Newell	456 2831
REEDY Robert PO Box 104 Vae	456 2826
REICHERT Ray RR 1 Box 94 Vae	456 2138
Terry RR 1 Box 95 Vae	456 9850
REID Don 215 Elmira Newell	456 2457
REINERT David & Pat P O Box 195 Vae	456 2993
REINIGT Earl RR 1 Box 27a Vae	456 2703
Melvin Jean RR 1 Box 33 Newell	456 2224
RHOEN Daniel I & Kathy RR 1 Box 134 B	
Newell	456 2641
RICHARDS Dale HC 71 Box 13 Newell	456 2173
F 106 Fisk Av Newell	456 2449
Kim & Dorothy 318 1/2 St Newell	456 2123
Monte PO Box 125 Vae	456 2753
Rich HC 71 Box 13 Newell	456 2130
ROADRIPER Frank RR 1 Box 94 Newell	456 2134
ROBBINS Levi 505 Fisk Newell	456 2429
ROBBINS FRANK 504 RR 1 Box 87a Newell	456 9880
ROBISON FRANK DVM & KAY RR 1 Box 87a	
Newell	456 9880
ROLPH Matt RR 1 Box 54C Vae	456 2414
RONKEN Dan & Connie RR 1 Box 22 Vae	456 2428
Roland & Dolores RR 1 Box 22 Vae	456 2846
ROSEN Caryl RR 1 Box 35A Newell	456 2644
ROTTENBUCHER Jake 413 9th St Newell	456 9851
ROUNSEVELL & 603 Anna St Vae	456 2483
ROYAL GAY RESTAURANT 105 Dartmouth Av	
Newell	456 2220
RUFF Robert & Carolyn RR 1 Box 2d Vae	456 2524
RULON R E RR 1 Box 154	456 2710

S

SACK Michael & Eileen RR Newell	456 2484
ST MARY'S STAR OF THE SEA 106 S Newell	456 2221
ST ONGE LIVESTOCK CO LTD SHEEP AGENCY	
Box 212	756 2348
SCHAEFER Wesley & Judy 1022 Dartmouth Av	456 2920
SCHALESKY T W & Faye RR 1 Box 95 A Newell	456 2957
SCHALLENBERGER Nora 201 2 St Newell	456 2433
SCHAMBER Ben RR 1 Box 14C Newell	456 2440
SCHILD Paul RR 1 Box 47 Newell	456 2212
SCHMIDT Donna RR 1 Box 173 Newell	456 2419
SCHMIDT Bill Tennant RR 1 Box 1708 Newell	456 2405
Billy RR 1 Box 1708 Newell	456 2605
SCHMIDT Emuel Box 157 Vae	456 2574
SCHMIDT HARTON K BARD K RR 1 Box 5A Vae	456 2380
Marry RR 1 Box 24 Vae	456 2740

SCHOOLS—

NEWELL SCHOOL 101 Dartmouth Av Newell	456 2393
NEWELL BUS GARAGE 501 Dartmouth Av Newell	456 2200
NEWELL ELEMENTARY	456 2982
MIDDLE SCHOOL	257 2213
HIGH SCHOOL FAX	456 2395
SCOTT J B P O Box 180 Vae	456 2314

SCHREIBER J & C RR 1 Box 138 Newell	456 2996
SCHUELE Garton 120 7 St Newell	456 9881
Marty 871 Grand Av Newell	456 2442
SCHULTZ Emma 113 Grand Av Newell	456 2106
SCHULTZ Paul & Laurel RR 1 Box 37a Vae	456 2932
SCHULZ David C 517 B St Newell	456 2490
SCHULZ Jeff RR Newell	456 2471
Jefferson & Patty 271 5th St Newell	456 2988
SCHWARTZ Roger & Karen RR 1 Box 4 Vae	456 2106
SCHWEDE John RR 1 Box 3a Newell	456 2588
SCOTT Margaret Mrs 202 4th Newell	456 2207
SEAMAN Donald R 411 E St Newell	456 2678
Jerry & Dixie RR 1 Box 111 Newell	456 2712
Randy PO Box 134 Newell	456 2954
SEYERSON Brad & Darla RR 1 Box 103 Vae	456 2984
SHAW Walter & Lori RR 1 Box 93a Vae	456 2528
SHAYKETT Greg RR 1 Box 158 Newell	456 2772
Terry & Rachelle RR 1 Box 103 Van	456 2967
SHEELER A James RR 1 Box 87 Vae	456 2307
Cory RR 1 Box 87 Vae	456 2755
James & Shelly RR 1 Box 10 Vae	456 2323
Margaret RR 2 Box 90A Vae	456 2377
Sheldon PO Box 163 Vae	456 2515
SHINGST Dan PO Box 478 Newell	456 2577
SHUCK LaVerne & Deon HC 71 Box 36 Newell	456 2604
Neil & Faith RR 1 Box 98 Vae	456 2940
SIMON Kurt RR 1 Box 143 Newell	456 2341
Lee RR 1 Box 141 A Newell	456 2883
SINNER Anna RR 1 Box 68 Newell	456 2363
SISK Robert RR 1 Box 728 Newell	456 2119
SMEINK GREG & SHERDY Newell	748 2410
SMEINK Steve RR 1 Box 134 Newell	456 2231
SMITH Aaron & Beverly RR 1 Box 52	456 2574
Allen & Glynda 121 Elm Av	456 2947
Merle Pauline 603 E St Newell	456 2670
Terry & Ruth RR 1 Box 20 Vae	456 2935
Warren & Linda 210 1 Fisk Av	456 2522
SNOOZY Larry RR 1 Box 112a	456 2874
Rida 329 7 St Newell	456 2350

SOUTH DAKOTA STATE OF—

DEPARTMENT OF COMMERCE & REGULATIONS—	
DRIVERS LICENSING PROGRAM	
TOLL FREE DIAL 1 & THEN	800 952 3696
TRANSPORTATION DEPT OF—	
MAINTENANCE SHOPS—	
NEWELL	456 2104

SPAN Sue & Curtis 810 Grand Av Newell	456 2970
SPENCER William & June PO Box 147 Vae	456 2162
SPRAGUE Gary RR 1 Box 88 Newell	456 2126
Neroli 105 Grand Av	456 2934
STAR'S PROPANE SERV 322 8th	456 2402
IF NO ANSWER CALL	456 2701
STUMP Harry & Merris 308 3 St	456 2779
Leona 112 Grand Newell	456 2557
Tom 814 Dartmouth Newell	456 2347
STARKE Dale W RR 1 Box 96 Vae	456 2912
Randy RR 1 Box 5 Vae	456 2487

STATE GOVERNMENT

See Government Section

STATELINE TELECOMMUNICATIONS INC—

PO Box 39 Blinn	244-5236
CABLE LOCATION CALL	800 781 7474
BILL INQUIRY	811
TELEPHONE REPAIR CONNECTS DISCONNECTS	611
STERNA Jim & Debby RR 1 Box 87b Newell	456 9894
STOLBAK William 317 8th Newell	456 2713
STROTSCHEN David RR 1 Box 134A Newell	456 2158
Mickey & Anita RR 1 Box W	456 2619
SULZBACH Fred P 113 Grand Av Newell	456 2178
Richard RR 1 Box 7 Vae	456 2372
Stephen E RR 1 Box 65 Newell	456 2403
SUNDSTROM Cella/Dotty Mrs	
113 Grand Av Newell	456 2628
Kenneth RR 1 Box 0 Newell	456 2601
SWAN Keith & Lois RR 1 Box 38 Newell	456 2578
Steve & Billie RR 1 Box 114 Newell	456 2111
Tom & Karen RR 1 Box 1	456 2175
W B Wilma RR Newell	456 2750
SWENBY David & Tracy RR 1 Box 188 Newell	456 2300
SYMONDS Marvin L RR 1 Box 55 Newell	456 2272

TAFT Dennis RR 1 Box 7 Newell	456 2761
TAVES Robert & Eleanor 221 3 St	456 2953
TELECOMMUNICATIONS RELAY SERVICE SOUTH DAKOTA	
TOLL FREE DIAL 1 & THEN	800 877 1113
TERRILL Orval RR 1 Box 18 Vae	456 2319

THE—See Also The Alphabetical Position Of The Second Word

THEIL John P 104 1 St Newell	456 2734
TIFFT Jerry RR 2 Box 113 Vae	456 2477
Vince & Juliette 309 9 St Newell	456 2117
TIMME Casey & Debbie PO Box 105 Vae	456 2122
William Bud' & Juanita 103 Elm Av	456 2421

96-1853 D

WARRANTY DEED

BOOK 276 PAGE 646

Transfer Fee Paid \$ 43.50

CHRISTINE McDERMOTT, a Single Person, Grantor, of Butte County, State of South Dakota, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, GRANTS, CONVEYS AND WARRANTS, to JAKE E. ROTTENBUCHER and KATHY ROTTENBUCHER, Husband and Wife, as joint tenants with right of survivorship, Grantees of 413 9th Street, Newell, South Dakota 57760, the following described real estate in the County of Butte, in the State of South Dakota:

A parcel of land in Newell, Butte County, South Dakota, described as follows: Starting at a point on the North line of Lot 5, Block 54, in said City of Newell, which point is 134 feet West of the Northeast corner of said Lot 5, thence directly South 108.59 feet, thence West along the South side of said Lot 133 feet, thence North 108.59 feet, thence East along the North line of said Lot 133 feet to the point of beginning.

subject to easements, reservations, restrictions and covenants of record.

SOUTH DAKOTA STATE TRANSFER FEE: \$43.50

Dated this 30th day of September, 1996.

Christine M. Dermott
CHRISTINE McDERMOTT

STATE OF SOUTH DAKOTA
COUNTY OF Butte

On this 30th day of September, 1996, before me a Notary Public within and for said County and State, personally appeared CHRISTINE McDERMOTT, known to me to be the person who is described in and who executed the within and foregoing instrument and she acknowledged to me that she executed the same for the purposes therein contained.

Christine E. Wilson
NOTARY PUBLIC
Commission Exp: June 23, 2007



PREPARED BY:
HARRIS & HUBBARD
P. O. Box 580
Sturgis, SD 57785
(605) 347-2551

STATE OF SOUTH DAKOTA, COUNTY OF BUTTE } SS
Filed 1:12 P.M. day of October 1996 at Sturgis, S.D.
Book 276 Page 646 By [Signature] Register of Deeds



BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

RECEIVED

AUG 14 1997

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN THE MATTER OF THE COMPLAINT FILED)
BY KATHY ROTTENBUCHER, NEWELL, SD,)
AGAINST STATELINE)
TELECOMMUNICATIONS, INC. REGARDING)
UNPUBLISHED ADDRESS)

CERTIFICATE
OF SERVICE

TC97-107

I, Randall L. Macy, do hereby certify that on the 13th day of August, 1997, I caused a copy the Answer and Motion to Dismiss to be served upon Ms. Kathy Rottenbucher, 413 Ninth Street, Newell, SD 57760; by depositing a copy of the same in an envelope securely sealed and with postage fully prepaid thereon, in the United States mail at the City of Belle Fourche, Butte County, South Dakota, and addressed to the above named addressee at the foregoing address, the same being the last known address of said addressee.



Randall L. Macy

NEXT

DOCUMENT (S)

BEST IMAGE

POSSIBLE

From: JAKE ROTTENBUCHER
413 9th St.
Newell, SD
57760

T297-107
RECEIVED

SEP 25 1997

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

TO: Public Utilities Commission,
of South Dakota
State Capitol
Pierre, SD 57501

Sept. 23, '97

Dear Mrs. Loni Healy, PUC -

This letter is in response to the phone call from Bill, about the Matter OF THE COMPLAINT filed by my wife, Kathy. It wasn't pointed out to her when she filed her original complaint against Stateline Telecommunications, that there is a problem with her filing for us instead of myself, let this letter now stand with her original complaint with my signature.

Further the SDCL Chapter's 49-13 and 49-31 and ARSA 20:10:01:08, 01 and 20:10:01:09 are suitable as other codes binding Stateline.

In difference to all Mr. Macy's posturing, my address is my wife's address, never did she state her name was published. It's Foolish

for Mr. Macy to think that we're separate. That what affects my wife affects me. Never was our town requested to be published as stated in article I OF Macy's Answer & Motion. (A phone ~~x~~ states this.)

There's no question our rights have been violated. That state line breached our privacy and betrayed our trust and our confidence, by publishing our address. ^{and violating codes} Mr. Macy presumes to know our personal & private business when he doesn't even have the facts of this case clear. It was a violation, because they disclosed an address that was insisted on being unpublished. By making it public we lost our animinity and confidentiality. We did not give up our rights; they were taken from us. Once made public, its possible and more likely the source of someone locating us. In this case, our case, it isn't unreasonable to expect privacy. We weren't keeping it from everyone or the people of our town, It was a reasonable act against three

specific people, now living out of state, (this was stated at the last hearing) these people would not know of our moving, until they called and got a disconnect, then they'd have to gain information that we moved to a new county and then have knowledge of our purchasing a home. Mr. Macy failed, after carefully pointing out other information, that the county seat / court house is in Belle Fourche, the same people would have to learn that as well.

Also pointed out in Article III, Mr. Macy pointed out if we would of requested an unlisted number it would not of been published. First our request, (insistence) of keeping our address unpublished falls under that same code and expectation of protection. Second, also as Mr.

Macy points out anyone could of gotten our unlisted number the same way they could get our address from the court house. The difference is they did not publish

4-

our address and make it public, Stateline did. That eliminates helpistance, the fact is its available, and easily accessed by any person in a well known and the well used US west phone book.

Further as in Article II - we take great offense to Mr. Macy's over lawyering and making irrelevant points by sending a copy of our deed to you that's a mute point. It just makes a good case for non-disclosure and more privacy laws.

Article IV -

Stateline more than admitted wrong doing at the last hearing, and took full responsibility for their behavior. It was also admitted to my wife by the office manager, he neglected to do his job, he stated he relied on his office employee to do her job and she failed to do her job. It was intimated that somehow it was our fault because their computers didn't work accurately, because it we ordered a non-published number somehow the error wouldn't of

happened, both by Stateline & Mr. Macys. When all else fails "blame the victim."

It also should be mentioned here that when Kathy, called in and asked for the work order, she insisted on a non-published address. The Stateline employee failed to say she cannot provide this service, nor did she check with her supervisor. She assured my wife she would take care of it, also at this time she should have informed Kathy, that they give their customers names to US West, and at no time did this happen, Kathy, took all the steps necessary to assure the service we expected; Stateline failed. They at no time ever asked any customer if they wish their name to be given to US West. US West don't service this area. Rapid City, is over fifty miles away, there's no need for Stateline to provide information they chose too, and that's what's not regulated. Not the negligence and violations committed by Stateline.

6-

Last, I need to remind you that we also are asking for Board of Directors names and addresses, that there may be a conflict of interest for Mr. Henderson, since he works at Stateline and out of West River Co-op, and we wonder if hes also on the Board of Directors. If we could of visited with them, there may not of been a need to take up your Commisssoner's time.

The violation of our trust, our confidence, customer protection of information, and our privacy, the duress, the admitted harm done by both Mr. Henderson & his office manager Jerry, and Jerry's own admittance to Kathy & Mr. Henderson, he intentionally, & purposely (without malice) neglected his duties on the job, that resulted in our address being published. Therefore there is SUFFICIENT REASON PURSUANT TO SDPUC and SD LAW ALSO 20:10.01:11:01. -

The inaccuracy of Mr. Macy

7-

and his office should be embarrassing.
Please, note his phone exhibits he
sent you. They are inaccurate.

In closing I'd like to add
from a letter we received from
Governor Janklow, quote; "Good
phone service, provided exactly the
way the customer needs it, is
especially crucial in the small
towns and rural areas of our
State" unquote.

Lee Cobb

413 9th St.
Newell, SD
57760



STATE OF SOUTH DAKOTA
WILLIAM J. JANKLOW, GOVERNOR

June 9, 1997

Kathy Rottenbucher
413 9th Street
Newell, SD 57760

Dear Kathy:

Thank you for writing to me and describing, in considerable detail, the problems that you have been having with your telephone service from Stateline. Good phone service, provided exactly the way the customer needs it, is especially crucial in the small towns and rural areas of our state.

Under South Dakota law, the Public Utilities Commission (PUC) has the authority to regulate the adequacy of service provided by telephone companies to their customers. You have the option of filing a formal written complaint with the PUC. To discuss the filing of such a complaint, you can call the PUC's consumer complaint specialist, Leni Hook, at (800) 332-1782. The call is toll free.

If you do decide to file a complaint, be sure to be very specific about all the details--names, dates, and comments. Also, be specific about what you think the company should do in order to resolve the problem to your satisfaction.

Thank you for your kind comments about our battles with all the blizzards and the flooding. Maybe our weather will finally return to normal--whatever that is.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bill Janklow".

William Janklow

WJJ:dmd

EXECUTIVE OFFICE
STATE CAPITOL
500 EAST CAPITOL
PIERRE, SOUTH DAKOTA
57501-5070
605-773-3212

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FOR AND NOTICE
BY KATHY ROTTENBUCHER, NEWELL, SD,)	OF HEARING
A G A I N S T S T A T E L I N E)	
TELECOMMUNICATIONS, INC. REGARDING)	TC97-107
UNPUBLISHED ADDRESS)	

On June 23, 1997, the South Dakota Public Utilities Commission (Commission) received a complaint from Kathy Rottenbucher (Complainant), Newell, SD, against Stateline Telecommunications, Inc. (Stateline) regarding an unpublished address. Complainant states that she specifically requested an unpublished address, but her address was published in the Rapid City telephone book for West River customers. Stateline provides customer information to U S WEST Communications, Inc. for the purpose of publishing telephone books. Complainant requested proof of written reprimands for all parties, proof that changes were made to avoid similar mistakes in the future, access to the Board of Directors, and one thousand dollars for violation of trust, emotional and mental anguish, duress, and inconvenience.

At its regularly scheduled July 15, 1997, meeting, the Commission found probable cause of an unlawful or unreasonable act, rate, practice or omission and served the complaint on Stateline. Stateline filed its response on August 14, 1997.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, and 49-31, and ARSD 20:10.01:07.01 through 20:10.01:15.01.

The issue at the hearing is whether Stateline's release of the Rottenbuchers' address for publication is an unlawful or unreasonable act, rate, practice, or omission which caused the Rottenbuchers to suffer damages.

A hearing shall be held from 10:00 a.m. until noon MST, on Monday, October 27, 1997, in the Third Floor West Meeting Room, of the City/School Administrative Center, 300 6th Street, Rapid City, South Dakota. It shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. The Commission's decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED that a hearing shall be held at the time and place specified above on the issue of whether Stateline's release of the Rottenbuchers' address for publication is an unlawful or unreasonable act, rate, practice, or omission which caused the Rottenbuchers to suffer damages.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 14th day of October, 1997.

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>Viviani Kalbo</u>
Date	<u>10/15/97</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:
Commissioners Burg, Nelson and
Schoenfelder

William Bullard, Jr.
WILLIAM BULLARD, JR.
Executive Director

100-100-6145-8

NEXT

DOCUMENT (S)

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TC97-107

P. 22

WEDNESDAY FEBRUARY 05 1997
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INDEPENDENT COMPANY LISTINGS FOR EXCHANGE U

- 4562982 INDENT
- 4562982 NEWELL ELEMENTARY
- 4562984 SEVERSON, BRAD & DARLA
- 4562987 KOVAR, ALAN & WANDA
- 4562989 FAIRBANKS, LORRAINE
- 4562990 FINDLEY, EDWARD C PO Box 177/ Vale
- 4562991 HOGAN, DALE W & JUDY A HI Box 110A/ Newell
- 4562992 BLAKEMAN, J (TEENLINE) 221 Dartmouth/ Newell
- 4562993 REINERT, DAVID & PAT PO Box 195/ Vale
- 4562994 JUKKOLA, RICHARD & TONJA HI Box 70/ Newell
- 4562998 SCHULZE, JEFFERSON & DATTY RT 7 Gr 22/ Newell
- 4562999 SCHREINER, J & C HI Box 138/ Newell
- INDENT NEWELL CITY OF
- 4569802 LIQUOR STORE
- INDENT NEWELL CITY OF
- 4569802 MUNICIPAL BAR
- 4569806 NEWELL HOTEL & APARTMENTS
- 4569809 ST. ONGE LIVESTOCK AUCTION INC
- 4569812 BURLESON, DONALD HI Box 133A/ Newell
- 4569814 WENSELL, BRETT HI Box 93/ Newell
- 4569819 HALDMAIER, NANCY 395 4th St/ Newell
- 4569816 VANHSANT, CHARLES
- 4569826 BLAKEMAN, J PO Box 4/ Newell
- 4569831 MAXWELL, JOHN & CONNIE HI Box 62/ Newell
- 4569833 MAUCH, JAMES 609 Main/ Newell
- 4569834 HANNILL, SANDRA A HI Box 58A/ Vale
- 4569835 HANKE, MIKE & BARB HI Box 105/ Newell
- 4569836 KOVAR, LOUIS HI Girard/ Newell
- 4569837 HEISLER, JOHN & JUDY HI Box 190C/ Newell
- 4569839 YUNG, ETHEL 4 12 7th St/ Newell
- 4569841 HIGH ELK, NORM & DEB HI Box 67/ Newell
- 4569842 JENSEN, STEVE & KATHERINE 8066 Box 58/ Newell
- 4569849 HEIMER, LORRAINE
- 4569847 KIRBY, MARK & BECKY HI Box 145A/ Newell
- 4569850 REICHERT, TERRY HI Box 95/ Vale
- 4569851 ROTTENBUCHER, JAKE 415 9th St/ Newell
- 4569852 HELPING HANDS TRAVEL
- 4569853 GHOLSON, SEAN 221 1/2 Elmira/ Newell
- 4569859 CHRISTOPHER JACK / 101 Anna/ Vale
- 4562244 BISHOP ROBERT H & JAMES E / HI Box 94/ Newell
- 4562862 MICHAEL HENRY / HI Box 7/ Newell

2-25-97
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TO 91503395350

10-21-97 10:15AM FROM US WEST COMM

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INDEPENDENT COMPANY LISTINGS FOR EXCHANGE U

- ~~4562979~~ ISNAV, BARBARA PO Box 174/ Vale
- ~~4562981~~ TUCKER, STEVE & HELEN/ HRT Box 691/ Nowell
- ~~4562981~~ FOSSEN, SUSAN
- ~~INDENT~~ SCHOOLS
- ~~4562982~~ NEWELL ELEMENTARY
- ~~4562984~~ SEVERSON, BRAD & DARLA
- ~~4562987~~ KOVAR, ALAN & WANDA
- ~~4562989~~ FAIRBANKS, LORRAINE
- ~~4562990~~ FINDLEY, EDWARD C PO Box 171/ Vale
- ~~4562991 NL~~ HOGEN, DALE W & JUDY A HRT Box 110A/ Nowell
- ~~4562992~~ BLAKEMAN, J (TEENLINE), 521 Hartman/ Nowell
- ~~4562993~~ REINERT, DAVID & PAT PO Box 195/ Vale
- ~~4562994~~ JUKKOLA, RICHARD & TONJA HRT Box 70/ Nowell
- ~~4562998~~ SCHULZE, JEFFERSON & BATTY RT 6th St/ Nowell
- ~~4562999~~ SCHREINER, J & C HRT Box 158/ Nowell
- ~~INDENT~~ NEWELL CITY OF
- ~~4569802~~ LIQUOR STORE
- ~~INDENT~~ NEWELL CITY OF
- ~~4569802~~ MUNICIPAL BAR
- ~~4569806 HP~~ NEWELL, HOTEL & APARTMENTS
- ~~4569809 HP~~ ST. ONGE LIVESTOCK AUCTION INC
- ~~4569812~~ BURLESON, DONALD HRT Box 153A/ Nowell
- ~~4569814~~ WENSELL, BRETT HRT Box 91/ Nowell
- ~~4569819~~ HALBMAIER, NANCY 305 4th St/ Nowell
- ~~4569816~~ VANHSANT, CHARLES
- ~~4569826~~ BLAKEMAN, J PO Box 4/ Nowell
- ~~4569831~~ MAXWELL, JOHN & CONNIE HRT Box 62/ Nowell
- ~~4569833~~ MAUCH, JAMES 609 Main/ Nowell
- ~~4569834~~ HAMMILL, SANDRA A HRT Box 5AA/ Vale
- ~~4569839~~ MANKE, MIKE & BARD HRT Box 105/ Nowell
- ~~4569836~~ KOVAR, LOUIS 501 Girard/ Nowell
- ~~4569837~~ HEISLER, JOHN & JUDY HRT Box 110C/ Nowell
- ~~4569839~~ YUNG, ETHEL 412 7th St/ Nowell
- ~~4569841~~ HIGH ELK, NORM & DEB HRT Box 85/ Nowell
- ~~4569842~~ JENSEN, STEVE & KATHERINE H066 Box 50/ Nowell
- ~~4569843~~ HEINER, LORRAINE
- ~~4569847~~ KIRBY, MARK & BECKY HRT Box 145A/ Nowell
- ~~4569850~~ REICHERT, TERRY HRT Box 95/ Vale
- ~~4569851~~ ROTTENBUCHER, JAKE 415 9th St/ Nowell
- ~~4569852~~ HELPING, HANDS TRAVEL
- ~~4569853~~ GROLSON, SEAN 221 1/2 Kintre/ Nowell
- ~~4569859~~ HOFFMAN JACK / 101 Anna/ Vale
- ~~4562244~~ HODGE, HOWARD H & JANE H/ HRT Box 94/ Nowell
- ~~4562862~~ HODGSON, HENRY/ HRT Box 7/ Nowell

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INDEPENDENT COMPANY LISTINGS FOR EXCHANGE U

- ~~4562979~~ ISHAY, BARRAH PO Box 174/ Vale
- ~~4562981~~ TUCKER, STEVE & SUEANN RT Box 651/ Howell
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- ~~4562982~~ NEWELL ELEMENTARY
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- ~~4562989~~ FAIRBANKS, LORRAINE
- ~~4562990~~ FINDLEY, EDWARD C PO Box 177/ Vale
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- ~~4562992~~ BLAKEMAN, J (TEENLINE) RT Dartmouth/ Howell
- ~~4562993~~ REINERT, DAVID & PAT PO Box 195/ Vale
- ~~4562994~~ JUUKOLA, RICHARD & TONJA RT Box 70/ Howell
- ~~4562998~~ SCHULZE, JEFFERSON & PATTY RT 6th St/ Howell
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- ~~INDENT~~ NEWELL CITY OF
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- ~~4569809 HP~~ ST, ONGE LIVESTOCK AUCTION INC
- ~~4569812~~ BURLESON, DONALD RT Box 133A/ Howell
- ~~4569814~~ WENSELL, BRETT RT Box 93/ Howell
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- ~~4569816~~ VANKSAFT, CHARLES
- ~~4569826~~ BLAKEMAN, J PO Box 4/ Howell
- ~~4569831~~ MAXWELL, JOHN & CONNIE RT Box 62/ Howell
- ~~4569833~~ MADCH, JAMES 609 Main/ Howell
- ~~4569834~~ HANNILL, SANDRA A RT Box 5AA/ Vale
- ~~4569839~~ MANKE, MIKE & BARB RT Box 105/ Howell
- ~~4569836~~ KOVAR, LOUIS 501 Girard/ Howell
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- ~~4569839~~ YUNG, ETHEL 412 7th St/ Howell
- ~~4569841~~ HIGH ELK, NORM & DEB RT Box 65/ Howell
- ~~4569842~~ JENSEN, STEVE & KATHERINE 1066 Box 59/ Howell
- ~~4569843~~ HEIMER, LORRAINE
- ~~4569847~~ KIRBY, MARK & BECKY RT Box 145A/ Howell
- ~~4569850~~ REICHERT, TERRY RT Box 95/ Vale
- ~~4569851~~ ROTTENBUCHER, JAKE 475 9th St/ Howell
- ~~4569852~~ HELPING, HANDS TRAVEL
- ~~4569853~~ GHOLSON, SEAN 221 1/2 Madra/ Howell
- ~~4569859~~ BOSTETER JACK / 101 Anna/ Vale
- ~~4562244~~ BOSTER RONALD H & JANICE E/ RT Box 94/ Howell
- ~~4562862~~ HANCKEL, HENRY/ RT Box 7/ Howell

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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE)
COMPLAINT FILED BY KATHY)
ROTTENBUCHER, NEWELL, SD,)
AGAINST STATELINE)
ELECTRONIC COMMUNICATIONS, INC.,)
REGARDING UNPUBLISHED)
ADDRESS)

TC97-107

HEARING

ORIGINAL

DATE: October 27, 1997, at 10:00 a.m.

PLACE: CITY/SCHOOL ADMINISTRATIVE CENTER
Third Floor West Meeting Room
300 Sixth Street
Rapid City, South Dakota

APPEARANCES:

MR. JIM BURG, Commission Chairman
MS. PAM NELSON, Commissioner
MS. LASKA SCHOENFELDER, Commissioner

MS. ROLAYNE WIEST, Commission's Counsel

MS. KATHY ROTTENBUCHER
MR. JAKE ROTTENBUCHER

MS. KAREN CREMER, PUC Staff Attorney

MR. RANDY MACY, Attorney for Stateline
Buckmaster & Macy
1501 Fifth Avenue
Belle Fourche, SD 57717

MR. DARRELL HENDERSON, Stateline

By:

Cynthia M. Weichmann
Certified Shorthand Reporter

*Wheeler Court Reporting
615 1/2 St. Joseph Street, Suite 200
Rapid City, SD 57701*

ORIGINAL

1 All parties have the right to be present
2 and to be represented by an attorney. All
3 persons so testifying will be sworn and
4 subject to cross-examination by the parties.

5 The Commission's final decision may be
6 appealed by the parties to the State's Circuit
7 Court and Supreme Court.

8 Rolayne Wiest will act as Commission
9 counsel. She may make rulings during the
10 course of the proceedings. The Commission may
11 overrule its counsel's preliminary rulings
12 throughout the hearing. If not overruled,
13 preliminary rulings will become final rulings.

14 I'll turn it over to Rolayne Wiest at
15 this time to conduct the hearing.

16 MS. WIEST: I'll first take the
17 appearances of the parties.

18 Could you state your name for the record?

19 MS. ROTTENBUCHER: Kathy Rottenbacher.

20 MS. WIEST: And will your husband also be
21 testifying?

22 MS. ROTTENBUCHER: Not necessarily,
23 unless you need him to.

24 MS. WIEST: State your name.

25 MR. ROTTENBUCHER: Jake Rottenbacher.

1 MS. WIEST: And Stateline?

2 MR. MACY: Randy Macy, attorney.

3 MR. HENDERSON: Darrell Henderson,
4 manager.

5 MS. WIEST: Does anybody have any
6 questions or motions before we get to the
7 testimony, any opening statements by either of
8 the parties?

9 COMMISSIONER BURG: Do we need the
10 appearance of staff?

11 MS. CREMER: Karen Cremer for staff.

12 MS. WIEST: Are there any opening
13 statements or motions from any of the parties?

14 MR. MACY: I would like to make one.

15 MS. WIEST: Did you have any opening
16 statement?

17 MS. ROTTENBUCHER: I don't know. I'm
18 ready to start.

19 MS. WIEST: An opening statement isn't
20 actually evidence, so if you want to save your
21 testimony for later, you can. You don't have
22 to make an opening statement.

23 Mr. Macy?

24 MR. MACY: Thank you. Stateline has
25 admitted that the Rottenbuchers requested that

1 their address not be included in the telephone
2 directory. What they requested was that the
3 name of Jake Rottenbucher appear in the phone
4 directory and that the telephone number appear
5 in the phone directory.

6 Stateline had a manual filing system in
7 place at that time. For some reason, that did
8 not get caught when the information was
9 provided to US WEST for publication in their
10 directories.

11 We don't believe -- we admit that that
12 was a mistake and it should have been caught,
13 but we don't believe that that constitutes
14 it's an unlawful or an unreasonable act, rate,
15 practice, or omission under South Dakota law
16 or PUC regulations and ask that you find that
17 after testimony and that you dismiss the
18 complaint.

19 I also want to talk just a minute about
20 damages, because Stateline has never been
21 advised as to how the Rottenbuchers have been
22 damaged by including their address in the
23 telephone directory. Basically the only
24 correspondence has been we asked you not to,
25 it was included, you owe us money. We have

1 never been advised as to how they claim that
2 they've been damaged. The only indication
3 we've had at all was in the letter from
4 Mr. Rottenbacher that went to the PUC that we
5 didn't even receive until after the last
6 hearing that indicated that -- and I'm reading
7 from his letter -- we weren't keeping it, our
8 address, from everyone or the people of our
9 town. It was a reasonable act against three
10 specific people now living out of state. And
11 apparently they're claiming that somehow
12 they've suffered some emotional damage because
13 of this. And I believe the South Dakota
14 Supreme Court has already decided that the PUC
15 cannot find damages for these types of claims
16 of emotional distress; therefore, I don't
17 believe the PUC has authority to award the
18 types of damages that the Rottenbachers are
19 apparently claiming.

20 Thirdly, at the time that this was done,
21 Stateline had a manual filing system. They
22 were in the process of upgrading that to a
23 computerized system that was available at the
24 time, but had not yet been put into place. It
25 had just become available. Stateline has now

1 put that computerized system in place, so now
2 they have not only the manual, but also the
3 computerized system that will, hopefully,
4 prevent this from happening in the future.

5 We would ask that the PUC, after hearing
6 the evidence, dismiss the complaint, or if you
7 do not dismiss, in the alternative, do not
8 award damages.

9 MS. WIEST: Does the staff have any
10 comments?

11 MS. CREMER: The staff has no comments.

12 MS. WIEST: Ms. Rottenbucher, at this
13 time I'm going to have you sworn.

14 KATHY ROTTENBUCHER,

15 called as a witness, being first duly sworn, testified
16 as follows:

17 MS. ROTTENBUCHER: I'm not sure exactly
18 what day it was, but when we transferred and
19 was preparing to move to Newell, I requested
20 verbally over the phone -- I had discussed
21 with Stateline's employee -- I don't remember
22 her name -- I specifically insisted that our
23 phone number only be listed and that our
24 address not be. And at the time that she took
25 the work order, she did not state that she had

1 a problem with it or that she needed to get --
2 talk with her supervisor or the manager and --
3 and -- nor, at that time, because of US WEST
4 not servicing that area, they no longer
5 service the area, that I had any reason to
6 believe that I should have to ask that our
7 phone number -- our address also be
8 nonpublished in that. And at the time that
9 she took my work order, when she took it, she
10 agreed that she would take care of it and she
11 told me that she -- she assured me that it was
12 going to be all right. Because I kept asking
13 her -- I asked her several times to make it
14 clear, and she told me she'd take care of it
15 and that she had no problem with it.

16 And as far as I'm concerned, they also --
17 it's clear acknowledgement when they put it in
18 the phone book in Newell, they left out our
19 address, so they acknowledged that work order
20 and accepted it. They had that information
21 and they okayed on it, so -- and we were in
22 that oral contract. By that, they recognized
23 that that's my request.

24 And -- and then later on in the spring, I
25 just by chance came upon our address being

1 included in that -- the Black Hills phone book
2 and I called that Friday, because it was the
3 night before, and it was closing when I found
4 it, so I called first thing Friday and talked
5 to Jerry, which is his office manager, and I
6 really laid into him about it and told him,
7 and he told me that he had to get back to me
8 about whose fault it was that the address was
9 included, and he took all day doing it.
10 There's no reason for him to do that. He
11 already knew it was his fault. And finally,
12 by the end of the day he called me back and he
13 told me, in his own words, that they accept
14 full blame, he takes full responsibility, that
15 his employee did not do her job. She failed
16 to check her records, specifically ours, and
17 I -- and he said the way they do it is she
18 goes through the records, prepares the list
19 for the phone book for US WEST, and then sends
20 it over to him to okay it. And he said he
21 didn't do it. He didn't do his job, that he
22 went by hers and assumed that she did hers and
23 went ahead and sent it off to US WEST and so
24 he -- he said he took full blame for that and
25 acknowledged that there -- that we had been

1 harmed. Because I told him that as it is in
2 print now, there's nothing you can do to take
3 it back out, to make it right for us. Because
4 he asked me what he could do to make it right,
5 and I said, "There is nothing that you could
6 do to make it right. The harm's been done."
7 And he admitted that and after a little bit
8 more discussion, he told me that I would have
9 to go through Mr. Henderson, which wasn't
10 there at the time, and I told -- he said that
11 he would tell him first thing in the morning
12 and make sure that he called -- excuse me --
13 called me back and he didn't. I waited and
14 waited until the end of the day and I finally
15 got fed up waiting and I called him. And he
16 told me that he was aware of the problem, but
17 didn't have time to get back to me, and he
18 said that he wanted to talk to me about it,
19 and I said, "Let's talk now." And I told him
20 what was going on and he said that he was
21 aware of the problem, and I said -- told him
22 that it was pure negligence on his manager's
23 part and he said, "Wait a minute." And he
24 called Jerry into the office.

25 So we were all talking -- or all

1 listening and he could hear and he told me --
2 Mr. Henderson said that he took full blame for
3 it as well; that he said that he has all --
4 these kind of incidents happen all the time.
5 And if that's the case, you ought to be fired.
6 If it was -- if that happened so readily and
7 they have such an attitude that it is such
8 commonplace. And I told him that I -- I was
9 very unhappy and very angry and I let him know
10 that.

11 And he -- he wanted to know what he could
12 do to make it right and I said, "Well, I feel
13 that you need to compensate us." And I didn't
14 even mention an amount of money at that time,
15 but he didn't come back with anything, saying
16 "I'm sorry," "Let me help you," "Let me make
17 this up to you." All he -- and he didn't
18 apologize either. He just said he was sorry
19 for the incident, which is pretty
20 disingenuous, and then I told him that I
21 wasn't going to let this just sit, that I was
22 going to follow through and I was going to
23 contact whoever I needed to file a complaint.
24 And he said, "Go ahead and do what you have to
25 do."

1 And so I took him at his word and I
2 started making calls to everybody, starting
3 with our city officials and county
4 commissioners in our town. which is where I
5 got the information for West River Electric
6 Co-Op. Come to find out, Mr. Henderson works
7 there, too, which I think is a conflict of
8 interest. I called them several times, asked
9 them for the board of directors' names. They
10 wouldn't tell me who they were unless I told
11 them who I was and I refused.

12 The second time I called, I told -- she
13 said that she wouldn't give me the names
14 unless I told her who I was. I told her who I
15 was and then she still refused unless
16 Mr. Henderson approved. So I wrote it in a
17 letter, two certified letters. I sent them to
18 West River Co-Op directed -- I addressed it to
19 the Board of Directors, the President. I told
20 them what the situation was, what my problems
21 were with that, and I never got a response.
22 Instead, the employee forwarded it on to
23 Mr. Henderson and Mr. Henderson on to his
24 attorney.

25 When I tried to call the post office to

1 file a complaint, I got a fast education on
2 the fact that once the mail, even certified
3 mail, leaves the post office and it hits their
4 destination, the authorized person that has
5 authority to pick up his mail, that was the
6 end of their responsibility. But they did say
7 that they felt that that was poor ethics and
8 that they would keep an eye out in the future.

9 After that -- it wasn't long after that
10 that I got a letter from Mr. Macy making his
11 apology for Stateline, which was disingenuous.
12 If Mr. Henderson couldn't make his own
13 apology, I wasn't going to accept it from a
14 lawyer. It would be like someone walking up
15 to you off the street and saying they're
16 sorry.

17 I wasn't getting anywhere and so I
18 contacted the Governor and he wrote me back
19 and told me if I felt I had a complaint, where
20 to go and what to do. He said it best, more
21 than I even could, and I'm taking it out of
22 quote, but he said we have a right to expect a
23 service that we ask for and that's my premise
24 and -- especially because we are rural. We
25 have to depend on it. And I feel like I'm not

1 only defending myself here, I'm defending all
2 their customers, because they betrayed our
3 confidence and it was a breach of privacy. So
4 I think all the customers are hurting on this
5 one and -- indirectly and they did violate our
6 confidence and our trust and I feel that
7 that's harm and we should have some
8 compensation for it.

9 And I -- I'm not real sure all what else
10 you need to hear, except for that they
11 admitted wrong. He admitted wrong in the
12 first hearing and harm was done. It wasn't
13 just a computer glitch. It wasn't like we had
14 call waiting or call forwarding and they
15 didn't give us that service and they're still
16 charging us for it. They actually published
17 an address, which is information that wasn't
18 public information, and I feel that that comes
19 under the same protection as any other
20 information that their clients have or any of
21 their customers have as well as if I requested
22 a nonpublished phone number that, if that was
23 published, that -- that, in my view, is the
24 same violation. It was nonpublic information
25 that was -- should have been held private, and

1 especially since I specifically requested it
2 not to be published, that it was private
3 information. The -- whether our address is
4 public knowledge is irrelevant, since you have
5 to make a request for it, and it has to be a
6 specific person going in and asking for the
7 information, it isn't advertised, it isn't in
8 everything -- every paper out there or -- or
9 available to just anybody. So I feel that --
10 that they did do us harm by publishing it.
11 They made it easy. And if the persons that
12 did want to get this information, they didn't
13 have to hunt very hard, since it was
14 accessible to them through any phone book, and
15 that took away our privacy. It took away our
16 anonymity, and I think there was harm done.
17 You can't take something out of print.

18 And I don't sleep good at nights as it is
19 worrying about this, and his attitude is,
20 well, we screwed up, but you live with it, and
21 I was tired of it. And he didn't have any
22 sympathy or compassion and I feel that because
23 of that coldness and because of what I have
24 been stonewalled with every information I
25 tried to get through there, Stateline or West

1 River Electric Co-Op, I wasn't getting the
2 information.

3 At the last hearing you already cancelled
4 their motion to dismiss and said that they
5 didn't have a good enough case to go forward
6 with that and at the end of that, I -- I can't
7 remember who it was, but she specifically
8 requested that they send us some local tariff
9 regulations and I never received them.

10 MR. MACY: Just -- let me speak to that
11 for a minute, because that did come up in the
12 last hearing. We've never received a request
13 for any tariff information.

14 MS. ROTTENBUCHER: Yes, you did. You
15 were asked specifically by one of the
16 Commissioners or one of the attorneys that
17 were present to give it, and I asked for it.
18 And I -- unless you recorded your phone call,
19 you can't prove that I didn't ask for it, and
20 I did. And I'm not sure what other -- any
21 other information that you specifically need
22 to hear, but that's basically my standing on
23 that and I stand by my other testimony in the
24 past two hearings, the motion to dismiss as
25 well as the first hearing.

1 THE COURT: Mr. Macy?

2 MR. MACY: Thank you.

3 CROSS-EXAMINATION BY MR. MACY:

4 Q Kathy, what day did you find out about this
5 publication? You said it was on a Friday?

6 A No, I didn't.

7 Q The day that you found out, you called Stateline?

8 A No. I said I called Friday morning.

9 Q You called Friday morning.

10 A I found out about it Thursday evening. I don't
11 remember the exact date. Whenever the new phone
12 books came out.

13 Q And you spoke with Jerry Reisenauer?

14 A Yes.

15 Q And you said you really laid into him?

16 A No, I didn't say that.

17 Q I thought you testified to that.

18 A I said I let him know that I was very angry and
19 upset, yeah.

20 Q And he did some investigation and then --

21 A No, I don't know what he was doing. He said that
22 he had to get back to me to find out whose fault it
23 was, either US WEST or theirs, and I told him, "You
24 already know whose fault it is," and he said, well,
25 he can't say until he checks. And I said that that

- 1 would be fine and he said he'd get right back to me
2 and he never did. He didn't call me back until the
3 end of the day.
- 4 Q He said he would have to check and then he'd get
5 back to you?
- 6 A He didn't have to check. He already knew it was
7 his fault.
- 8 Q But he did call you back?
- 9 A Eventually.
- 10 Q And I think you said that Stateline took full
11 responsibility for it?
- 12 A No, he said he did.
- 13 Q All right. He did. And he asked you what he could
14 do to make it right?
- 15 A That's right.
- 16 Q And you told him the harm was already done, nothing
17 could be done?
- 18 A I told him that, that's right. I told him the
19 harm's been done.
- 20 Q And you wanted to be compensated, didn't you?
- 21 A Yeah, I wanted to be compensated. I wanted it to
22 be made right. He said he didn't know what to do
23 to make it right. He had to talk to Mr. Henderson.
- 24 Q And you spoke to Mr. Henderson?
- 25 A Yes, eventually I did.

1 Q And Mr. Henderson took full blame on behalf of
2 Stateline?

3 A You'd have to ask him. His actions don't speak
4 with his words.

5 Q Well, I thought that's what you testified to.

6 A Yeah, he said he -- he said he takes full
7 responsibility.

8 Q And he also asked you what could be done to make it
9 right?

10 A That's right. And I told him, and he was just fine
11 until it came up to compensation and he just
12 totally shut off and became real unfriendly.

13 Q And you indicated you wanted \$1 for every phone
14 book?

15 A No. I told him that would be appropriate, for
16 every phone book that's out there, that he should
17 pay a fine for.

18 Q In the Northern Hills and Rapid City?

19 A That's correct. I think that would be right,
20 although that isn't what we asked for.

21 MR. MACY: I don't have anything further.

22 MS. WIEST: Staff?

23 CROSS-EXAMINATION BY MS. CREMER:

24 Q I guess one question I would ask, Kathy: Did you
25 have any reason to believe that your name and

1 address would show up in the Northern Hills phone
2 book?

3 A Absolutely not. Because when we moved to Newell --
4 before I moved to Newell, US WEST informed me that
5 they don't cover that area, and then when I moved
6 out to Newell, I -- I assumed that it was just the
7 Newell phone book. Because she didn't state that
8 they sell their addresses to US WEST and by doing
9 so, they make -- they make money off of our address
10 and on my husband's name.

11 Q That was my next question. Did they ever tell you
12 that they won't give that information to a third
13 party?

14 A No.

15 Q There was never any conversation about that?

16 A No. But I wouldn't know to ask that, because I
17 assumed that since we lived in Newell and US WEST
18 doesn't cover that area, that there would be no
19 reason for US WEST phone books to be out there.
20 They've never, ever said in any of the letters, any
21 questionnaires saying who would like to have this
22 and let the majority rule. They just chose to do
23 that on their own.

24 Further -- I'd also like to say, since this --
25 were you done asking me?

1 Q That's all right.

2 A I also wanted to say since this came up, too, since
3 we filed the complaint, one, a couple months ago we
4 got in a letter, a customer letter stating that
5 they're making changes in their equipment, which I
6 didn't think would have ever come about if it
7 wasn't for me; and two, this last month they sent
8 another customer letter saying that -- asking that
9 anybody that had any changes in -- that they wanted
10 made in the directory, that they're making up their
11 new directory and they'd like anybody to call. And
12 just Friday or Saturday, I received another
13 customer letter with a list of people they actually
14 forgot to leave out of the phone book and I know
15 that they had several changes just in our area with
16 address changes and I just think that the
17 incompetency runs rampant over there and I -- they
18 just, year after year, published their phone book
19 without making any omissions and changes. They
20 only added new customers and they never bothered to
21 make any changes otherwise. And until this came
22 up, I don't think they would have bothered now,
23 either, unless -- and, of course, because of my
24 problem. I don't think that my problem would have
25 came up -- would have -- they wouldn't have made

1 any changes without this problem, I'm saying.

2 Q Do you know: Could you have purchased
3 nonpublished, nonlisted services?

4 A I didn't ask because we've always had an
5 unlisted -- unpublished address. All the twenty
6 years of service -- over twenty years of service,
7 I've always had just address -- just our phone
8 number. Always have, so I never asked for -- and
9 she never said, "We can't -- we can't provide you
10 with that service," or "I'm unsure if we can do
11 that. Let me get back to you or let my manager get
12 back to you." Nobody ever said that to me. In
13 fact, she assured me that she'd take care of the
14 problem.

15 Q And then could you explain to us what is inaccurate
16 with the exhibits -- well, they're not exhibits
17 that we put in -- that Mr. Macy attached to his
18 motion to dismiss?

19 A That's correct. They have us in the Newell phone
20 book, when actually we're not in the Newell phone
21 book, and in the Black Hills phone book, they have
22 us as not in it, when we are. He let it come out
23 of his office that way and that's not accurate.

24 MS. CREMER: I think what I'm going to
25 do, because I'm still confused, I'm going to

1 have those marked --

2 A It says Newell up at the top.

3 MS. CREMER: I'm going to have these
4 marked and put these in.

5 MS. WIEST: Do you want the complaint in
6 as evidence?

7 THE WITNESS: Yes, I would.

8 MS. WIEST: Do you have any other
9 exhibits?

10 THE WITNESS: No, I don't have any.

11 MS. WIEST: Just the complaint?

12 THE WITNESS: Yes.

13 (Exhibit Nos. 1 through 3 were marked for
14 identification by the reporter.)

15 MS. WIEST: So what's been marked as
16 Exhibit 1?

17 MS. CREMER: 1 is the complaint. 2 is
18 what's Stateline directory on the top, and 3
19 is US WEST on the top.

20 MS. WIEST: Is there any objection to
21 admitting these exhibits?

22 MR. MACY: These are off of mine, so 2 is
23 A.

24 COMMISSIONER BURG: Can I have a
25 clarification? Do we need somebody to testify

1 that Exhibit A is Stateline? It doesn't say
2 so.

3 THE WITNESS: It just says Newell or Vale
4 and that's what we got.

5 COMMISSIONER BURG: I'd like somebody to
6 verify that that is Stateline's. Both A and
7 B, we need to know where those pages came
8 from.

9 THE WITNESS: This is how we received
10 them and there was nothing on here. This says
11 Newell-Vale, so we assume this was out of a
12 Newell-Vale phone book, and this was out of
13 the Rapid City phone book. Since they weren't
14 clearly marked, you can't assume one way or
15 the other, since he sent them that way, he
16 didn't have them marked.

17 Q So I'm going to start with, from the top, with
18 Exhibit 2 --

19 A Apparently that's -- I don't know.

20 Q Did you write "Stateline" directory?

21 A No, I didn't write any of that on there. I don't
22 know who did that.

23 Q I don't know, either, but what phone book do you
24 think this comes out of?

25 A I don't know, because it wasn't sent to us.

1 MR. MACY: Could I see that exhibit?

2 A And this is marked Newell-Vale and I'm assuming
3 this is out of the Newell-Vale phone book.

4 Q And this is Exhibit 3 you're talking about?

5 A Yes.

6 Q And so --

7 A So I'm assuming that this is the Newell phone book.
8 It doesn't say it's not. It says Newell-Vale. The
9 other one, it doesn't have anything on it, other
10 than somebody wrote "Stateline" -- yeah,
11 "Stateline" on the top. So it was their confusion,
12 since he didn't mark them clearly when he sent them
13 in.

14 Q And maybe we can ask Mr. Henderson when he
15 testifies.

16 MR. MACY: You can do it right now, if
17 you'd like, if that would clarify it.

18 COMMISSIONER BURG: Well, we'll put him
19 under oath.

20 Q But that's what your concern was with the
21 inaccuracy of the exhibits?

22 A Yes.

23 MS. CREMER: That's all the questions I
24 have.

25

1 RE-CROSS-EXAMINATION BY MR. MACY:

2 Q The concern about the inaccuracy is what?

3 MR. ROTTENBUCHER: Which phone book is
4 which.

5 Q Kathy, your husband's name and phone number has
6 always appeared in US WEST's Northern Hills and
7 Rapid City directories, hasn't it?

8 A I would assume so, since we lived in Sturgis and
9 they have US WEST phone books there.

10 Q So it's been there for the thirteen years you lived
11 in Sturgis?

12 A The name has. Not the address.

13 Q But your name and number has been in the US WEST
14 Northern Hills directory and also the US WEST Rapid
15 City directory?

16 A As far as I know. What's that have to do with the
17 Newell phone book? And they aren't clearly marked.
18 You sent them two separate sheets, two separate
19 phone books. This one doesn't say it's out of
20 Stateline and this one didn't say it was out of
21 US WEST. You had Newell-Vale. That's the only way
22 we could tell.

23 Q Didn't my motion say where they came from?

24 A You said it came out of the Newell and US WEST. It
25 doesn't say which one is which and it doesn't

1 matter.

2 Q Well, the only reason was to clarify that your
3 address didn't appear in the Stateline directory.

4 A That's correct. And that acknowledges the fact
5 that what we requested.

6 Q But your address did appear in the Northern Hills
7 US WEST directory and the Rapid City directory?

8 A Yeah; and it wasn't supposed to.

9 Q And those two exhibits would reflect that.

10 A Somehow, if you know which one is which.

11 Q Well, it says right in the answer that US WEST is
12 marked Exhibit B and Stateline is marked Exhibit A.

13 A Well, I know, but it doesn't say on top, so you'd
14 would have to assume. You can assume what you
15 want. It doesn't matter. It's irrelevant.

16 Q All right.

17 MR. MACY: I have nothing further.

18 MS. WIEST: Commissioners, any questions
19 of this witness?

20 COMMISSIONER BURG: No. I believe the
21 only question I did have was that it -- in
22 the -- you have said that in the Newell phone
23 book, it was listed as you requested.

24 THE WITNESS: Yes, in the Newell phone
25 book, it is.

1 COMMISSIONER BURG: Actually the
2 Stateline, West River Stateline, it was listed
3 as you requested.

4 THE WITNESS: Yes.

5 COMMISSIONER BURG: It was only in the
6 US WEST directories is where the violation was
7 of your request.

8 THE WITNESS: Yes, that's right.

9 COMMISSIONER BURG: I believe that's all
10 I have.

11 COMMISSIONER SCHOENFELDER: I just have
12 one for clarification. It's probably been
13 stated before, but I just would like you to
14 state it again. The Stateline phone book is
15 published what date? Do you have dates on
16 that?

17 MS. WIEST: I think we'll probably have
18 to wait, because Mr. Henderson is next, to
19 answer those questions.

20 COMMISSIONER BURG: I do have one or two
21 others that I was wanting to ask.

22 In the last statement that we got, I
23 think it was mailed from Mr. Rottenbacher, you
24 insinuated or indicated that you were doing
25 that for the purposes of some people you did

1 not want to know where you live that are not
2 in state. Is that correct?

3 THE WITNESS: That's correct, yes.

4 COMMISSIONER BURG: As a result of this
5 happening, have you had any of your concerns
6 actually occur?

7 THE WITNESS: We have had quite a few
8 phone calls in the middle of the night and all
9 times during the day where there's been
10 hang-ups. We can't prove who it is unless
11 they speak and then we can monitor. There's
12 no way to prove it's them until they either
13 show up at the door or actually say who they
14 are or start talking, then I know the voice,
15 so I'll know.

16 COMMISSIONER BURG: But your name or your
17 husband's name and number were in the phone
18 book. There's nothing to indicate that the
19 adding of the address would add to the ability
20 to make that call, is there?

21 THE WITNESS: No; but with the addition
22 of the address, they don't have to call, now,
23 to try to find us. They know right where to
24 go.

25 COMMISSIONER BURG: I agree with that,

1 but right now, all you're saying is the
2 problem is phone calls?

3 THE WITNESS: Up until now.

4 COMMISSIONER BURG: And the name and
5 number were in the phone books at your
6 request?

7 THE WITNESS: Yes, the phone number and
8 name.

9 COMMISSIONER BURG: Have you had any
10 actual incidents or damages that are due to
11 the fact of being able to know your address,
12 that you're aware of?

13 THE WITNESS: Yes. I have no sleep. I'm
14 constantly worried. I'm in fear. I had a
15 physical contact with her. I have a right to
16 be feared. We had -- the last incident we
17 had, the FBI was involved. This is not a whim
18 or a whine. I have a genuine concern here.

19 COMMISSIONER BURG: I'm not questioning
20 that in any way. I'm just saying: Has any
21 actual physical incident at your residence
22 occurred?

23 THE WITNESS: Not at this moment. That
24 doesn't mean it won't.

25 COMMISSIONER BURG: That's all the

1 bad enough, they're going to get it. Having
2 an unpublished number doesn't guarantee your
3 safety. This way, the phone number is there.
4 If they want to call, they'll more than likely
5 make the aattempts to call. That's what
6 happened before. They went through phone
7 calls first. So I feel safe enough through
8 that, that if my phone number is available to
9 them, if they're going to harass or cause
10 trouble, they're going to try through the
11 phone.

12 Now that the address is available, I also
13 now have to be physically concerned that they
14 show up at the door. Of course, I have the
15 police to back us up if we need that, but why
16 should we have to do that?

17 COMMISSIONER SCHOENFELDER: I'm not
18 questioning it. I just want to know why you
19 didn't have -- you have the right to ask for
20 that. I'm not questioning your right.

21 THE WITNESS: Just that. If they're
22 going to call, I'd rather -- or they're going
23 to make any kind of contact, I'd rather they
24 call and I can get it there and -- then have
25 them actually hunting us down and then showing

1 up at the doorstep. The people we're talking
2 about is my son from a previous marriage and
3 his stepmother and dad, to make the record
4 clear. These aren't just ghosts or somebody
5 I'm making up in my mind and there is an FBI
6 record, that they were called in before.

7 MS. WIEST: For the record, then, what
8 specific damages are you asking for today?

9 THE WITNESS: Because they won't -- they
10 wouldn't work with me, they wouldn't talk with
11 me, because they wouldn't give me the
12 information I requested, either board of
13 directors or the tariff regulations or just
14 being genuine sorry about it, I ask for a
15 thousand dollars. Partly because that's about
16 what it would cost for us for buying a house,
17 the closing costs, moving expenses with the
18 moving van, and setting up services to have to
19 move, we'd have to -- if we had to move to
20 start all over, the same thing. And it's just
21 a number that if they would have even tried to
22 attempt to settle this, I wouldn't have been
23 specific about a number, but I am asking for a
24 thousand dollars. I feel that harm has been
25 done. They admitted harm was done. They

1 admitted that he did wrong. I think I should
2 have a right to have some kind of compensation
3 for -- for the pain and anguish of this. And
4 if we were in civil court and I had some kind
5 of damages, whether it was real or minor, I'd
6 still be allowed to have other compensation
7 besides the actual damage, and this is actual
8 damage with it being printed in the phone
9 book.

10 MS. WIEST: Any other questions of this
11 witness?

12 COMMISSIONER NELSON: Is the rationale
13 for the thousand dollars -- you said for the
14 closing costs and costs that would be
15 associated with if you had to move. Do you
16 intend to do that?

17 THE WITNESS: Not at this moment. If we
18 were forced to, you know, who knows? If we
19 did, if there was some chance in here, that it
20 would just be a decision that we'd have to
21 make and it would -- we'd have to have the
22 phones to do it. We couldn't just up and
23 move. We have all our money invested in the
24 home and setting up services and we've never
25 been late with our phone bill. We've paid it

1 in full.

2 That was another thing, too. My phone
3 bill that we received has an error. They have
4 a total column and they didn't even add that
5 up right and they had me on three way calling
6 and I don't have that. There's just a lot of
7 bumbling over there, incompetency, and I think
8 just for the anguish and the dis -- and the
9 shock of seeing it in print when it shouldn't
10 have been in print, I think deserved
11 something, anyway, and -- I don't know how to
12 specifically say any more about that, but to
13 me, that's harm done and I feel that something
14 should be -- that's our only way of punishing
15 them. Otherwise, they walk away with: We
16 made a mistake. So what? We need to be able
17 to punish them in some way that's going to
18 sting them, and a thousand dollars isn't going
19 to hurt them. It's a sting, but it isn't
20 going to hurt them.

21 MS. WIEST: Any other questions?

22 (No response.)

23 MS. WIEST: Do you have any further
24 witnesses?

25 MS. ROTTENBUCHER: Not at this time.

1 MS. WIEST: Thank you.

2 Mr. Macy?

3 MR. MACY: I don't have any witnesses.

4 MS. CREMER: To make the record, I think
5 I would call Mr. Henderson, then.

6 MS. ROTTENBUCHER: I wanted to answer her
7 question earlier. Our Newell phone books came
8 out, I think, in February or March, it was
9 early on, and the US WEST phone books didn't
10 come out until, I think it was -- was it March
11 or April? It was April. It was quite a while
12 later. So we didn't know that that happened
13 until they were -- my kids and my husband were
14 delivering phone books. That's the only
15 reason why we would have known about it. I
16 just happened to glance in it and I don't know
17 what made me do it, but I was in shock when I
18 seen it, and so -- the US WEST phone books did
19 come out, it seemed like a month or two after
20 the Newell phone books.

21 COMMISSIONER SCHOENFELDER: I'd still
22 like to have Mr. Henderson answer that.

23 DARRELL HENDERSON,
24 called as a witness, being first duly sworn, testified
25 as follows:

1 DIRECT EXAMINATION BY MS. CREMER:

2 Q Would you state your name and address for the
3 record, please?

4 A Darrell Henderson. I reside in Bison, South
5 Dakota.

6 Q And what is your occupation?

7 A I am general manager for West River Cooperative
8 Telephone Company and Stateline Telecommunications,
9 which is a subsidiary of West River.

10 Q And how long have you been in that position?

11 A Fourteen years.

12 Q Are you familiar with the events that
13 Mrs. Rottenbucher discussed earlier?

14 A Yes.

15 Q And have you spoken to her on the phone?

16 A Yes.

17 Q Would you agree with her that she had asked your
18 employee not to publish her address in the local
19 phone book?

20 A Yes, that is true.

21 Q As a matter of policy, would there be a discussion,
22 normally, with a customer that that address is then
23 sold to a third party for publication in other
24 phone books?

25 A No. And it was not sold in this case either. The

1 reason the address and phone numbers were in the
2 US WEST directory was that when we purchased those
3 properties from US WEST, the people at the hearing
4 in Sturgis requested that we continue to maintain
5 their listings in the Black Hills directory as
6 well. That was where they had been and we promised
7 them we would do that, and so we put -- we
8 continued to maintain their listings there in the
9 Black Hills directory. Initially, we put them in
10 our own directory. Our own directory is what's
11 referred to as the West River Stateline directory.
12 We do not sell the listings to anybody. Never
13 have.

14 MS. CREMER: I guess that's all the
15 questions I have at this point.

16 MS. WIEST: Any other questions of this
17 witness?

18 COMMISSIONER SCHOENFELDER: I just have a
19 question, Mr. Henderson, the date Stateline
20 West River publishes their directory. Do you
21 know that date?

22 THE WITNESS: I don't know that date.
23 It's around February.

24 COMMISSIONER SCHOENFELDER: So it's March
25 or April?

1 THE WITNESS: We actually start working
2 on it in December. We get the final draft
3 back to the publisher in January, and it
4 usually comes out in February. I don't know
5 exact dates.

6 COMMISSIONER SCHOENFELDER: So March,
7 April would be close?

8 THE WITNESS: Yes.

9 COMMISSIONER SCHOENFELDER: And do you
10 know when US WEST gets published?

11 THE WITNESS: Theirs is later. I think
12 it comes out in April.

13 COMMISSIONER SCHOENFELDER: I need to ask
14 you another question about the not releasing
15 and refusing to release the board of
16 directors' names, and obviously Stateline, we
17 all know, is a subsidiary corporation. It's
18 spun off. It's not a true co-op; however, the
19 mother company is a cooperative, and so I want
20 to know why you would not release those board
21 of directors' names. I mean, if I -- I feel
22 like I have the right to know that in your --
23 in your situation, and that's why I'd like to
24 just have a little more explanation of that,
25 please.

1 THE WITNESS: Well, there's two things
2 there. First of all, she was very irate when
3 she called and when she asked for the
4 directors' names, my feeling was she intended
5 to harass them. The second reason why I
6 didn't release them is like you said, it's not
7 a -- they're not public officials, it's a
8 private corporation, and although the
9 information is available in various places,
10 including at the PUC, that information is
11 available.

12 COMMISSIONER SCHOENFELDER: Is it? I
13 didn't know that.

14 MS. ROTTENBUCHER: That's not true.

15 MS. WIEST: You can't interrupt now.

16 THE WITNESS: I believe that to be true.

17 MS. WIEST: Any other questions?

18 COMMISSIONER BURG: Yeah. I'm just
19 trying to recall if I had one. This is one of
20 the questions I would have asked, too, is to
21 concentrate on why they would not be made
22 available. It's for a -- you figure I
23 would -- you figure it's your responsibility
24 to handle those and do not want the directors
25 harassed?

1 THE WITNESS: No, I did not want the
2 directors harassed, that part is true. And
3 yes, normally we would handle it, and we make
4 every attempt to meet our customers' needs and
5 their requests, and in this case, obviously,
6 we admitted that we made an error. It got
7 through the system. We updated our system to
8 try to prevent that in the future.

9 COMMISSIONER BURG: Do you consider the
10 statements that you filed both through your
11 attorney and verbally to her were apologies
12 for what occurred?

13 THE WITNESS: Yes.

14 COMMISSIONER BURG: So you testified
15 that --

16 THE WITNESS: I apologized at least three
17 times during our conversation and I'm sorry if
18 it didn't appear to her to be sincere, because
19 it was. And Jerry Reisenauer, who talked to
20 her prior to I did, handles a lot of consumer
21 complaints. He's very adept at doing those
22 things and he knows how to act with consumers,
23 and so I'm sure his apologies were sincere as
24 well.

25 COMMISSIONER BURG: Can you explain to us

1 just exactly how the address did get through
2 what you submitted to US WEST?

3 THE WITNESS: Yes.

4 COMMISSIONER BURG: Am I correct in the
5 understanding that US WEST either requested or
6 you fulfilled part of the obligation under the
7 purchase to submit the names to -- for the
8 Northern Hills directory? Is that correct?

9 THE WITNESS: Yeah.

10 Let me -- let me just give you --
11 probably clarify it for you. US WEST sends us
12 a proof of the directory and asks us to proof
13 it. In that process, our employee should have
14 looked and picked up the manual information we
15 had in the file that her address was not to be
16 printed. The employee missed it. We don't
17 know exactly how, but she did miss it. We did
18 not miss it in our directory, so we know it
19 was there, and so what we did after that,
20 because we had missed it, we implemented a new
21 program that's called a directory search.
22 Basically it identifies anybody who has an
23 unusual request in terms of their directory
24 listing, and we've maintained that as well as
25 our manual file now. But at that time, this

1 was a new program that came out from our
2 service bureau and it had probably been out
3 for three or four months. We were in the
4 process of getting ready to implement it and
5 we had not implemented it yet. We have since
6 this time.

7 COMMISSIONER BURG: So you did not submit
8 a list to US WEST. They actually initiated
9 the first list?

10 THE WITNESS: They initiated the first
11 list.

12 COMMISSIONER BURG: Where did they get
13 their list from?

14 THE WITNESS: They had Newell in their
15 phone directories from previous years. They
16 were in the US WEST directories, the Newell
17 listings were.

18 COMMISSIONER BURG: So they submitted
19 what they have always had in the most recent
20 past directory?

21 THE WITNESS: I assume the most recent
22 past directory was what they gave us. And our
23 people proofed it; tried to make the changes
24 that we knew had to be made. There were a lot
25 of changes. When we purchased US WEST, we

1 found a lot of directory information that was
2 wrong on their listings and we were trying to
3 correct all of those things.

4 COMMISSIONER BURG: So you went through
5 that list, eliminated those names that no
6 longer belonged there, wrong phone numbers,
7 and added names that needed to be added, those
8 type of things?

9 THE WITNESS: Yes.

10 COMMISSIONER BURG: But in that process,
11 you did not -- that even brings a further
12 question. From the testimony of the
13 Rottenbuchers, they indicated that they had
14 not had an address listing in the former
15 Northern Hills directory.

16 THE WITNESS: And they may not have had.
17 What we did was update the list and in that
18 process, updating, I think that address got
19 inadvertently put on there. I don't know that
20 it was in the previous US WEST one either.

21 COMMISSIONER BURG: So what you're saying
22 is in your process of correcting and proofing,
23 theirs is one of the names you added?

24 THE WITNESS: Yes. And it was our
25 problem, not US WEST. Just the way it was

1 done, it was sent to us. They sent their
2 previous year's list. We updated it with our
3 records and that's where the mistake was made.

4 COMMISSIONER NELSON: Do you handle the
5 nonpublished, nonlisted numbers the same way,
6 manually, that you handled the address?

7 THE WITNESS: No, we do not. Because the
8 program that we used already had a place for
9 nonpublished, nonlisted, but it did not have a
10 field to set the information for what I'm
11 going to call unique requests, and that's part
12 of the problem. If it's a nonpublished,
13 nonlisted, it's on the program initially, but
14 there was no place for these other types of
15 listings like this.

16 COMMISSIONER BURG: And I have one more.
17 Do you feel that the corrections you made
18 answer her request for this not to happen to
19 anybody else?

20 THE WITNESS: Yes, as best we can. Now,
21 you know, we are going to do the very best
22 that we can and we use two programs and a
23 manual file to do it, and I would say that
24 it's 99.99 percent sure it will never happen
25 to anybody else, but having said that,

1 someplace in the world, it will happen.

2 COMMISSIONER BURG: One last one I have.
3 Do you have anybody else that has a similar
4 request?

5 THE WITNESS: No, we do not.

6 COMMISSIONER BURG: That's all.

7 MS. CREMER: If I can, US WEST sent an
8 exhibit which shows what they sent Stateline,
9 but unfortunately, I made copies of it and put
10 it in the original file and then they got left
11 in Pierre, so I can -- we can submit that
12 later as a late filing exhibit.

13 THE WITNESS: You can. I'm not sure what
14 it shows, but yes, you can. I had a call from
15 US WEST, I think Friday, and they wanted to
16 know if they -- if any of this problem was
17 caused by anything they had done. From Ed
18 Maldencar (phonetic), who you probably know.
19 I told them, no, it was not. It was our own
20 problem in the directory, it was not theirs.
21 They may have been concerned that, maybe why
22 they sent it to you, they were out of the loop
23 and they were being charged with something.

24 MS. CREMER: What I'll do, I'll send
25 Mr. Macy a copy and Kathy a copy and if they

1 have no objection to it, we can put it in as a
2 late file, put it in as Exhibit 4, and then
3 that will show what US WEST had sent
4 Stateline.

5 MS. WIEST: Then with respect to
6 Exhibit 2 and 3, Mr. Henderson, can you verify
7 that Exhibit 2 comes from the Stateline
8 directory and Exhibit 3 from the US WEST?

9 THE WITNESS: Can I see them so I make
10 sure I am identifying the right one?

11 MS. CREMER: Yes.

12 THE WITNESS: Exhibit 2 is from the West
13 River and Stateline directory. Exhibit 3 is
14 from the White Pages of the US WEST directory.

15 MS. WIEST: Thank you.

16 For the record, I have as being admitted
17 Exhibits 1, 2, and 3.

18 Any more questions of this witness?

19 FURTHER DIRECT EXAMINATION BY MS. CREMER:

20 Q And I wasn't listening the whole time you were
21 talking, Mr. Henderson, I apologize. Did you
22 explain to us what changes were made in the system?

23 A Yes.

24 Q I thought you did and I was talking to these guys,
25 so if you've already made that for the record, then

1 I don't need that answer.

2 THE WITNESS: Is it clear to the
3 Commissioners what we've done? I can explain
4 it to her, if not.

5 Q No, that's all right.

6 MS. WIEST: Thank you.

7 Staff, do you have any witnesses?

8 MS. CREMER: The staff has none.

9 MS. WIEST: Do you have any rebuttal
10 testimony you would like to give at this time?

11 MS. ROTTENBUCHER: I just have a comment
12 about him saying he wouldn't give them to me
13 because I was -- the board of directors' names
14 because I was irate. I never even talked to
15 him. I talked to his -- a woman that was in
16 charge of the office at West River Co-Op and I
17 wasn't irate talking to her. She didn't even
18 know why I wanted them and until I gave her my
19 name, she refused to give me those names.
20 Until she heard my name, that was when she
21 refused, not because I was irate. I had no
22 reason to be angry with her. I was just
23 trying to get some information.

24 MS. WIEST: Any further testimony at this
25 time?

1 MS. ROTTENBUCHER: I can't really think
2 of anything that you might need to hear.

3 MS. WIEST: Any further questions of this
4 witness?

5 COMMISSIONER BURG: I have one for
6 Mr. Henderson. What is the reason that --
7 evidently there's a policy of not giving the
8 names out if they do not identify themselves.
9 Probably a little further record on why that
10 policy is there, also.

11 THE WITNESS: The reason that there's a
12 policy like that in place is that we get
13 continuous calls for board of directors that
14 companies want to send them brochures or
15 solicitations because they're listed as
16 directors, and these companies around the
17 world that have directors that are on big
18 boards, I think they look at them like that,
19 so there's people trying to make mailings to
20 them, junk mail and solicitations, and so we
21 normally do not give out the listings.

22 MS. ROTTENBUCHER: I made myself --

23 MS. WIEST: I'm sorry. You cannot talk
24 while he is.

25 THE WITNESS: Unless we have some good

1 reason to do it, we would not give out the
2 listings.

3 COMMISSIONER BURG: Is there a policy
4 developed by the board to that effect?

5 THE WITNESS: No, not written. It's been
6 verbal.

7 MS. WIEST: Any other questions?

8 MS. ROTTENBUCHER: I just wanted to say
9 that I made myself clear that I was -- I
10 wasn't selling anything. That was one of her
11 comments why she wouldn't give it to me,
12 because of advertisers and selling, people
13 selling them stuff, and I told her who I was
14 and specifically what I wanted it for and she
15 still refused, unless he would approve, and
16 that was exactly her comment.

17 COMMISSIONER BURG: Why did you not want
18 to identify yourself originally?

19 MS. ROTTENBUCHER: Because I was afraid,
20 that, after talking to him, because I called
21 him after I called them, and I was pretty sure
22 that if they knew who I was, they wouldn't
23 give it to me, and I was right. As soon as I
24 gave her my name, they refused.

25 COMMISSIONER BURG: Do you have a problem

1 with her wanting to contact him to see --

2 MS. ROTTENBUCHER: She didn't --

3 COMMISSIONER BURG: Do you have a problem
4 with her checking with him?

5 MS. ROTTENBUCHER: No. I would have
6 liked to have had it because if we could have
7 went through the board of directors and voiced
8 our complaint, we might not be here today.

9 MS. WIEST: Does anybody wish to make any
10 closing statement?

11 MS. ROTTENBUCHER: No.

12 MR. MACY: None for us.

13 MS. WIEST: I believe the Commission will
14 take this under advisement and make a decision
15 at a Commission meeting and the parties will
16 be notified of that. Thank you.

17 (Proceedings concluded at 10:55 a.m.)

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1 STATE OF SOUTH DAKOTA)
2) SS. CERTIFICATE
3 COUNTY OF PENNINGTON)
4

5 I, Cynthia M. Weichmann, Court Reporter and
6 Notary Public, South Dakota, duly commissioned to
7 administer oaths, certify that I placed the
8 witnesses under oath before the witnesses testified;
9 that the foregoing testimony of said witnesses was
10 taken by me in shorthand, and that the same has been
11 reduced to typewritten form under my supervision;
12 that the foregoing transcript is a true transcript of
13 the questions asked, of the testimony given, and of
14 the proceedings had.

15 I further certify that I am not related to,
16 employed by, or in any way associated with any of
17 the parties to this action, or their counsel, and
18 have no interest in its event.

19 Witness my hand and seal at Rapid City, South
20 Dakota, this 30th day of October, 1997.

21
22 *Cynthia M. Weichmann*
23 Cynthia M. Weichmann
24 Certified Shorthand Reporter
25

NEXT

DOCUMENT (S)

BEST IMAGE

POSSIBLE

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

RECEIVED

JUN 7 1997

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

COMPLAINT

Complainant(s): (The party filing the complaint)		Respondent(s): (The person or Company complained against)	
Name	KATHY ROTTENBUCHER	Contact Person	WEST RIVER ELECTRIC COOP.
Address	413 9th St.	Company	STATELINE
City, State, Zip	NEWELL, SD 57760	Address	P.O. BOX 39
Work Phone	N/A	City, State, Zip	BISON, SD 57620
Home Phone	605 456-9851	Work Phone	
Cellular Phone	N/A	Cellular Phone	?
Fax	N/A	Fax	?

If the Complainant is represented by an attorney, please list the attorney's name, address, telephone number and
If Complainant is not represented by an attorney, please leave blank:

EXHIBIT NO. 1
10-27-97 uc
Wheeler Reporting

The facts giving rise to my complaint:

I specifically requested and insisted on an unpublished address. STATELINE furnished and provided US WEST with information for North Black Hills and surrounding areas. It came to my attention I called immediately and spoke to statelines manager Jerry, he admitted that he and his employee failed to check their info. His employee prepared an okayed a customer list. Jerry okayed her list without checking her work. (To my knowledge this info is provided without any customer input or approval, it was worked out with US West so as to provide Rapid City phone book to West River customers. I confronted Jerry with my disgust and disappointment, and received no apology. I insisted he correct the matter, discipline his employee and compensate me for the violation of our trust, confidence & betrayal. He stated he had to get approval from his Boss first and added, he wouldn't discuss discipline with me. I insisted on talking to his Boss. He wasn't in, he took my name - phone number and I requested he call me

NOTE: Please attach additional pages, if necessary, to explain your situation. Also enclose copies of any bills or other documents which may pertain to your complaint.

RESOLUTION REQUEST

I ask that the Public Utilities Commission grant the following relief. (What do you think the Commission should do to solve this problem?)

for all parties
I want proof of written reprimands, I want proof they made changes to avoid future incidents, I want access to Board of Directors, and I want one thousand dollars for violation of trust, confidence, betrayal of confidentiality for emotional: mental anguish and duress, and inconvenience.

NOTE: Please attach any additional pages, if necessary.

VERIFICATION

Signature must be witnessed by a notary public.

Kathy Rottenbacher

Complainant's Signature

6-20-97

Date

State of South Dakota

County of

Butte

SS

On this *20th* day of *June*, 1997, before me

personally came and appeared *Kathy Rottenbacher* known to me to be the individual described herein and who executed the foregoing instrument, and who duly acknowledged to me that he/she executed same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Diana D. Page
Signature of Notary Public

(SEAL)

My commission expires:

DIANA D. PAGE

My Commission Expires Jan. 10, 2002

2- as soon as he arrived that following Monday, I requested his name. Monday came and almost gone and no call, I had to call him Mr. D. Henderson, I asked him why he did not return my call, he only commented he had some info. on the incident, and my name. I insisted on discussing the incident and my experience dealing with his manager, (Jerry) He was arrogant, insensitive, non-chalant about the matter. I let him know in no uncertain terms how exasperated & disgusted I was, I told him the harm has been done, all the phone books for this area have been printed & distributed I asked him what he was going to do to make this right? He asked me what I wanted him to do, I stated discipline his employees with a written reprimand, put in place precaution to prevent future incidents, and I want to be compensated. He said, "First the harm has already been done, and we've corrected ourselves so that next year your address will be unpublished." He said, "He will not compensate me at this time, I'd have to prove harm done". Failing to get satisfied. I called puc in Rapid City, I also spoke with the representative from US West. I told Mr. D. Henderson I was going to take this further and he told me to go ahead and do whatever

3 - I wanted too. No apologies.

I called West River Electric Coop and requested the Board of Directors names. Gladys, (Office manager) refused to give me the names unless Mr. Henderson approved. I told her that they are public officials, I have a right to have access to them, she continued to refuse. I called City official here in Newell, SD to get names, and he gave me what info. he had. I wrote my first letter to President of Board of Directors in case of West River Electric Coop. No response. I wrote the governor then, a second letter to the Board's president, by certified mail. Still no answers, so with the Governor's help, I'm filing this formal complaint with pvc.

Wing had an unpublished address for 13 1/2 years we lived in Sturgis, SD and wished too have it remain so when we moved to Newell, SD.

It wouldn't be right or fair for us to have to sell our new home we've had for less than a year & uproot our children and move again but that could happen because of statelines violating us, thereby causing

NEXT

DOCUMENT (S)

DISREGARD

BACKGROUND

Statewide Directory

16 O-Shoeler

NEWELL

O

Oliver Anne E. Enty RR Vale	456-2866
O'Dea Jim	456-2534
O'Donoghue Daniel E. & Family	
RR 3 Box 244 Vale	456-2808
Olinger Steve 701 Dartmouth	456-2886
Driver Dale & wife	456-2234
Olinger Randy 113-6th St	456-2632
Ollis Art Vale	456-2242
Ollis David RR 1 Box 55	456-2234
Olsen Ken & Frances 916 Fis. Av	456-2711
Olsen Norman RR 1 Box 35 Vale	456-2717
Orrison Walter T 116-4th St	456-2263
Orr Wiley 208 Ash St	456-2891

P

Page Allen 509 Elmira	456-2720
Page Auto Supply	
121 S. Dartmouth	456-2914
Page Len 206 S Grand	456-2771
Pain Hagan RR	456-2552
Parker Lawrence E. & Laurie 322 Elm St	456-2701
Pauley Ezra RR Vale	456-2724
Pauley Gordon A RR Vale	456-2228
Paton Lloyd 304 9th St	456-2817
Peterson Arthur RR	456-2521
Peters Floyd RR 1 Box 14	456-2875
Peters Lynn & Tom Vale	456-2241
Pfeiffer Beverly PO Box 166 Vale	456-2228
Pfeiffer Eileen 707 Elmwood Av	456-2324
Pfeiffer Robert M & Sally Vale	456-2392
Pill, Mrs. Bery Vale	456-2328
Pillips Michael City Trk Pk	456-2530
Pikard W R 514-5th	456-2620
Pirkola Helmer Mrs RR	456-2783
Pirkola Leila 605 Dartmouth Av	456-2960
Pitt Dale RR Vale	456-2876
Pitman Ross W 1 Box 54	456-2512
Pitman-Wood Fannie RR 1 Box 54	456-2512

POLICE TO SUMMON POLICE DIAL

911

Newell 456-2357
Vale Dispatch 892-2737

Post Austin 510-3-3	456-2141
Post Malcolm 102 Fis. Av	456-2625
Post T. N.	456-2165
Public Rec. Dept	
211 Grand Av	456-2417
Referred Home Health Agency	
Seaside Branch PO Box 515	456-2546
Public Library	
208 Grand	456-2179

R

Randolph Delores 2 Box 4	456-2501
Randolph Melissa Vale	456-2878
Randolph Dick 314 Dartmouth Av	456-2469
Rath David & Christa RR 1 Box 66	456-2831
Ray Eric & Barbara Vale	456-2520
Reed Robert Vale	456-2528
Reichert Ray RR 1 Box 94 Vale	456-2126
Reichert Terry RR 1 Box 95 Vale	456-2800
Rice Don 215 Elmira	456-2410
Richter David A RR Vale	456-2503
Rimington Ed RR Vale	456-2224

Rimington Melvin & Joan RR	456-2224
Rioson Daniel I & Kathy	456-2441
Richards Dale RR	456-2173
Richards F 106 Fis. Av	456-2583
Richards Kim & Dorothy 318 3rd St	456-2123
Richards Monte Vale	456-2769
Richards Rick RR	456-2130
Richter John Ted RR 1 Box 25 Vale	456-2421
Roadder Frank RR	456-2174
Robbins Betty 509 Grand	456-2429
Robson Frank DVM & Kay	
RR 1 Box 87a	456-9880
Rodriguez Mar. M J RR Vale	456-2414
Rosen Dan & Corinne RR 3 Box 22 Vale	456-2428
Rosken Roland & Delores RR Vale	456-2640
Rosen David RR	456-2641
Rosenbacher John	456-9881
Rouffeville A 602 Anna St Vale	456-2463
Royal Oak Restaurant	
100 Dartmouth Av	456-2220
Ruff Robert & Carolyn	
RR 3 Box 22c Vale	456-2524
Rulon R E RR 1 Box 104	456-2710

S

Sack Michael & Eileen RR 1	456-2484
St Mary's Star Of the Sea	
306-6th	456-2221
St Olga Livestock Co Ltd Sheep Auction	
Hwy 212	456-2948
Schoeter Winsley & Judy	
1022 Dartmouth Av	456-2570
Schelesky T W & Faye	456-2601
Schellenberger Nora 203-2nd St	456-4436
Schell-Lee Don RR 1 Box 143C	456-2440
Schild Paul RR 1 Box 47	456-2212
Schiple Donna RR 1 Box 113	456-2419
Schmale Willy RR	456-2606
Schmale Carol RR 1 Box 110A	456-2405
Schmidt Emory Dow 157 Vale	456-2574
Schmitt Herman K & Barb R RR Vale	456-2300
Schnell Harry RR Vale	456-2740
Schools	
High School Fair	456-2396
Middle School	257-2213
Newell Bus Garage	
501 Dartmouth Av	456-2200
Newell Elementary	456-2362
Newell School	
501 Dartmouth Av	456-2392
Shoff, J. C. Vale	456-2574
Schreiner J RR 1 Box 130	456-2969
Schuelke Darin 320 7th St	456-9683
Schuelke Marty 821 Grand Av	456-2443
Schulz Emma 117 Grand Av	456-2106
Schulze Paul & Laura	
RR 1 Box 31a Vale	456-2933
Schulz David E 21-8th St	456-2490
Schwartz Roger & Karen RR Vale	456-2416
Schwartz John RR 1 Box 45c	456-2478
Scott Margaret PO Box 113	456-2201
Seaman Donald R 421 E 6th	456-2678
Seaman Jerry & Dixie RR 1 Box 131	456-2112
Seaman Randy	456-2904
Sevenson Brad & Dana	
RR 1 Box 103 Vale	456-2684
Shaw Walter & Lon Vale	456-2769
Shawyer Terry & Rachelle	
RR 1 Box 824 Vale	456-2917
Shawyer A James RR Vale	456-2307
Shawyer Tony RR 1 Box 87 Vale	456-2751
Shawyer James & Shelly	
RR 1 Box 10 Vale	456-2501
Shawyer Margaret RR Vale	456-2517

EXHIBIT NO. 2

10-27-97
Wheeler Reporting

HSTWEST

MARTIN Tom & Linda 318 9 St	456 2900
MARTINEZ J 214 E St Newell	456 2472
MARTY C 717 Dartmouth Av	456 2346
Marylee & Jesse 110 S St	456 2784
MAUSH James 609 Fox Newell	456 9813
1 RR 1 Box 95-B Newell	456 2861
MAXWELL John & Connie RR 1 Box 52 Newell	456 9031
Robert RR 1 Box 7 Newell	456 2862
MCCARTHY VERON 427 Dartmouth Newell	456 2168
MCCONE Daniel G RR 1 Box 100A	456 2840
MCDERMOTT Christine 111 Birch St Newell	456 2342
MCGEE Wayne 322 S St Newell	456 9884
MCMAINS Jim 821 Elm Av	456 2238
MCGUIRE Phil RR 3 Box 21 Newell	456 2504
MELADE Tamara 721 Grand Av Newell	456 9873
MELLS PROGRAM 122 3rd St Newell	456 2945
MELROSE Larry 212 S Grand Av Newell	456 2445
MELROSE Albert 410 Annand Av	456 2892
METTLER Richard 221 Elm Av Newell	456 2626
METTLERS JACK & BILL 179 Grand Newell	456 2510
MEYER Kathleen 805 Dartmouth Av	456 2964
MIDCONTINENT CABLE TV	
TOLL FREE DIAL 1 & THEN	800 592 1890
NEWELL CABLE TV	
MIKUDIK B R 506 Grand Av	456 2966
MILBERG INSURANCE AGENCY	
102 S St Newell	456 2583
MILBERG Keith 214 Dartmouth	456 2607
MILES Bill 222 3rd Newell	456 2527
Robert & Sharon 106 S Dartmouth Av	456 2114
MILLER Richard PO Box 118 Newell	456 2811
MOLINE Debbie PO Box 605 Newell	456 2939
MOODY Dietha 101 Fox Newell	456 2641
MOORE DONALD N 113 3rd St Newell	456 2211
MOORE Marlene 111 S St Newell	456 2418
MOORE'S ROOMS 113 3rd St Newell	456 2211
MORILL Cecil & Ann 518 Fox Av	456 2213
MOROVITS Glen & Sherry RR 3 Box 27 Van	456 2662
MOUNTAIN WOOD WAREHOUSE	456 2257

Newell, Va

M V W SENIOR CITIZENS CENTER 120 S Newell	456 2186
NEELIN Donald 410 G St Newell	456 2132
NEILAN Nathan & Roxanne RR 1 Box 145 Newell	456 2869
NEITZEL Max & Betty PO Box 176 Van	456 2821
NELSON Donald C & Cresta 222 4th St	456 2262
Elsie M 410 Dartmouth Newell	456 2468
Emil PO Box 25 Newell	456 2803
Gary L 721 Fox Av Newell	456 2293
Harold RR 1 Box 99 Newell	456 2731
John A & Regan 222 Dartmouth Av Newell	456 2813
R RR 1 Box 95 Newell	456 2596
Tammie 319 Dartmouth Av Newell	456 2454
Wesley 821 Fox Newell	456 2554
NEUMILLER Bernard 411 4 Newell	456 2460
NEW DAWN CENTER RR 1 Box 115 Van	456 2968
NEWELL AMOCO 207 Dartmouth Av Newell	456 2112
NEWELL CABLE TV	
TOLL FREE DIAL 1 & THEN	800 592 1890
NEWELL CITY LIBRARY 206 Grand Newell	456 2179

NEWELL CITY OF—	
AMBULANCE	911
AUDITOR 108 3rd St	456 2737
LIQUOR STORE 312 Grand Newell	456 2802
MUNICIPAL BAR 312 Grand Newell	456 9802
POLICE DEPT 102 S St Newell	456 2737
IF NO ANSWER CALL	892 2737
WATER DEPT 502 4th Newell	456 2812

NEWELL CLINIC—	
212 Grand Av Newell	456 2462
FOR APPOINTMENTS	
TOLL FREE DIAL 1 & THEN	800 972 2752
NEWELL GOLF CLUB RR Newell	456 2195
NEWELL HOTEL & APARTMENTS	
313 Grand Av Newell	456 2789
NEWELL IMPLEMENT INC 300 Grand	
Newell	456 2313
NEWELL RAM SALE Newell	456 2941
NEWELL STADIUM 106 4th Newell	456 2113
NEWELL VETERINARY SERVICE 1 Newell	456 2828
NEWELL Roberts P 522 Dartmouth Newell	456 2135
NISSEN Abner T Marie R 113 Elmira Newell	456 2469
NEWELL Roger C 508 Fox Av	456 2129

ODER Dean & Sally RR 3 Box 27 Van	456 2866
ODER Jim RR 1 Box 56 Newell	456 2534
ODERSON Darrell & Penny RR 3 Box 24 Van	456 2556
ODINGER Steve & Sylvia 707 Dartmouth Av	
Newell	456 2886
OLIVER Dean E RR 1 Box 16 Newell	456 2704
OLIVER RANDY 113 S St	456 2632
OLLIVAN Art RR 3 Box 248 Van	456 2242
David RR 1 Box 55	456 2235
OLSON Ken & Frances 818 Fox Av	456 2711

OLSON Norman RR 1 Box 71 Van	456 2717
OMDAHL Walter T & Marie E 116 4 St Newell	456 2263

P

PAGE Allen 508 Elmira Newell	456 2720
PAGE AUTO SUPPLY 121 S Dartmouth	456 2944
PAGE Les 206 S Grand Newell	456 2271
PAID Marian RR 1 Box 67 Newell	456 2552
PARKER Lawrence & Laurie 122 E St	456 2701
PAULEY Ezra RR 1 Box 1 Van	456 2724
Gregory A RR 3 Box 26 Van	456 2228
PELTON Lloyd 304 9 St	456 2817
PERONE Arthur RR 1 Box 129 Newell	456 2521
PETERS Floyd RR 1 Box 14	456 2875
PETSCHE Scott & Lori PO Box 172 Van	456 2264
PELLAUMER Beverly PO Box 156 Van	456 2233
Eileen 707 Bernard Av Newell	456 2324
Robert M & Sally P O Box 116 Van	456 2392
PHILIPSON Gary RR 1 Box 116 Van	456 2528
PHILLIPS Michael City Trm Pk Newell	456 2530
PICKATO W R 514 6th Newell	456 2820
PIENKOW Helmer Mrs RR 1 Box 109 Newell	456 2783
Leila 405 Dartmouth	456 2960
Robert RR 1 Box 105 Newell	456 2783
PIES Dale RR 1 Box 106 Van	456 2975
PITTMAN Ross M 107 Elmira Av Newell	456 2512

POLICE—

TO SUMMON POLICE DIAL	911
NEWELL	456 2357
VALE DISPATCH	892 2737
POST Austin 310 3rd St Newell	456 2141
POWELL T N R 1 Box 24 Newell	456 2165
PUBLIC LIBRARY 206 Grand Newell	456 2179

R

RAISANEN Del M 71 Box 4 Newell	456 2931
RAJEWICH Dick 314 Dartmouth Av Newell	456 2499
RATH Crystal & David RR 1 Box 61 Newell	456 2831
REEDY Robert PO Box 104 Van	456 2926
REICHERT Ray RR 1 Box 94 Van	456 2138
Terry RR 1 Box 95 Van	456 9850
REID Don 215 Elmira Newell	456 2457
REINERT David & Pat P O Box 195 Van	456 2993
REININGTON Earl RR 1 Box 27a Van	456 2703
Melvin Jean RR 1 Box 31 Newell	456 2224
RHOODE Daniel E & Kathy RR 1 Box 134 E	
Newell	456 2441
RICHARDS Dale H 71 Box 13 Newell	456 2173
F 136 Fox Av Newell	456 2449
Kim & Dorothy 318 S St Newell	456 2123
Monte PO Box 125 Van	456 2753
Rick M 71 Box 13 Newell	456 2130
ROADNER Frank RR 1 Box 94 Newell	456 1174
ROBBINS Levi 609 Fox Newell	456 2229
ROBINSON FRANK DVM RR 1 Box 87a Newell	456 2280
ROBINSON FRANK DVM & KAY RR 1 Box 87a	
Newell	456 9880
ROLPH Matt RR 1 Box 54 E Van	456 2414
ROWEN Dan & Connie RR 3 Box 22 Van	456 2428
Roland & Dolores RR 1 Box 27 Van	456 2846
ROXANNE RR 1 Box 284 Newell	456 2668
ROTTENBUHLER Jack 411 3rd St Newell	456 2811
ROUSSELL A 502 Kings St Newell	456 2483
ROYAL OAK RESTAURANT 105 Dartmouth Av	
Newell	456 2220
RUFF Robert & Carolyn RR 3 Box 22 Van	456 2524
RULON R E RR 1 Box 104	456 2710

S

SACK Michael & Eileen RR Newell	456 2484
ST MARY'S STAR OF THE SEA 306 E Newell	456 2221
ST ONGE LIVESTOCK CO LTD SHEEP AUCTION	
Box 212	456 2548
SCHAEFER Wesley & Judy 1022 Dartmouth Av	456 2920
SCHALLSKAY T W & Faye RR 1 Box 95 A Newell	456 2917
SCHWALLENBERGER Nora 201 2 St Newell	456 2433
SCHAMBER Ben RR 1 Box 140 Newell	456 2440
SCHILD Paul RR 1 Box 47 Newell	456 2212
SCHOPPE Donna RR 1 Box 113 Newell	456 2419
SCHWELB Bob Lemar RR 1 Box 1108 Newell	456 2405
Billy RR 1 Box 1108 Newell	456 2605
SCHWIDT Emel Box 157 Van	456 2574
SCHWELL Marlan W Bard W RR 1 Box 54 Van	456 2380
Marry RR 1 Box 24 Van	456 2740

SCHOOLS—

NEWELL SCHOOL 101 Dartmouth Av Newell	456 2393
NEWELL BUS GARAGE 501 Dartmouth Av Newell	456 2200
NEWELL ELEMENTARY	456 2982
MIDDLE SCHOOL	217 2213
HIGH SCHOOL TAX	456 2395
SCHOTT J B PO Box 148 Van	456 2374

SCHREINER J & C RR 1 Box 136 Newell	456 2994
SCHULINE Darin 120 7 St Newell	456 9883
Marta 821 Grand Av Newell	456 2443
SCHULDES Emma 111 Grand Av Newell	456 2106
SCHULTES Paul & Laurel RR 1 Box 21a Van	456 2933
SCHULTZ David G 8218 St Newell	456 2490
SCHULTZ Jeff RR Newell	456 2431
Jefferson & Patty 217 6th St Newell	456 2958
SEHWARTZ Roger & Karen RR 1 Box 4 Van	456 2106
SEHWITZ John RR 1 Box 3 Newell	456 2538
SCOTT Margaret Mrs 202 4th Newell	456 2201
SEAMAN Donald R 421 E Newell	456 2678
Jerry & Diane RR 1 Box 111 Newell	456 2712
Randy PO Box 134 Newell	456 2954
SEVERSON Brad & Darla RR 1 Box 101 Van	456 2984
SHAW Walter & Lori RR 1 Box 9a Van	456 2528
SHAYLETT Greg RR 1 Box 158 Newell	456 2772
Terry & Rachelle RR 1 Box 11 Van	456 2967
SHILLER A James RR 1 Box 87 Van	456 2502
Cory RR 1 Box 87 Van	456 2755
James & Shelly RR 3 Box 10 Van	456 2133
Margaret RR 2 Box 90A Van	456 2717
Sheldon PO Box 163 Van	456 2575
SHROCK Dan PO Box 678 Newell	456 2577
SHUCK LaVerne & Don H 71 Box 36 Newell	456 2604
Neil & Faith RR 1 Box 90 Van	456 2540
SIMON Kurt RR 1 Box 141 Newell	456 2341
Lee RR 1 Box 141 A Newell	456 2883
SINK Anna RR 1 Box 68 Newell	456 2363
SINK Robert RR 1 Box 128 Newell	456 2119
SMITH GREG & SHERIDY Newell	748 2410
SMITH Steve RR 1 Box 134 Newell	456 2231
SMITH Aaron & Beverly RR 1 Box 92	456 2975
Alynn & Glynda 121 Fox Av	456 2947
Merle Pauline 623 E St Newell	456 2670
Terry & Ruth RR 1 Box 20 Van	456 2525
Warren & Linda 210 S Fox Av	456 2522
SNOOZY Larry RR 1 Box 112a	456 2874
Nida 309 7 St Newell	456 2353

SOUTH DAKOTA STATE OF—

DEPARTMENT OF COMMERCE & REGULATIONS—	
DRIVERS LICENSING PROGRAM	
TOLL FREE DIAL 1 & THEN	800 952 3696
TRANSPORTATION DEPT OF—	
MAINTENANCE SHOPS—	
NEWELL	456 2104

SPAN Sue & Curtis 810 Cornell Av Newell	456 2970
SPENCER William & June PO Box 147 Van	456 2162
SPRAGUE Gary RR 1 Box 88 Newell	456 2126
Merril 505 Grand Av Newell	456 2934
STAN'S PROPANE SERV 322 8th	456 2402
IF NO ANSWER CALL	456 2701
STAPP Harry & Merril RR 3 St	456 2778
Leona 113 Grand Newell	456 2557
Tom 814 Dartmouth Newell	456 2347
STARKE Dale W RR 1 Box 94 Van	456 2912
Randy RR 1 Box 1 Van	456 2487

STATE GOVERNMENT

See Government Section

STATELINE TELECOMMUNICATIONS INC—

PO Box 19 Bism	244-5236
CABLE LOCATION CALL	800 281 2474
BILL INQUIRY	811
TELEPHONE REPAIR CONNECTS DISCONNECTS	611
STERNA Jim & Debby RR 1 Box 87a Newell	456 9894
STOLNACK William 317 4th Newell	456 2713
STROMSCHEIN David RR 1 Box 134 Newell	456 2358
Whiskey & Anita RR 1 Box 90	456 2639
SULLZBACH Fred P 113 Grand Av Newell	456 2178
Richard RR 1 Box 7 Van	456 2373
Stephen E RR 1 Box 65 Newell	456 2403
SUNDSTROM Cecilia Doty Mrs	
113 Grand Av Newell	456 2628
Kenneth RR 1 Box 0 Newell	456 2601
SWAN Keith & Lois RR 1 Box 86 Newell	456 2578
Steve & Billie RR 1 Box 114 Newell	456 2111
Tom & Karen RR 1 Box 1	456 2175
W R Wilma RR Newell	456 2750
SWINNEY David & Tracy RR 1 Box 188 Newell	456 2300
SYMONDS Marvin L RR 1 Box 55 Newell	456 2272

TAIT Dennis RR 1 Box 7 Newell	456 2767
TAVES Robert & Eleanor 222 3 St	456 2955
TELECOMMUNICATIONS RELAY SERVICE SOUTH DAKOTA	
TOLL FREE DIAL 1 & THEN	800 877 1113
TERRILL Orval RR 1 Box 18 Van	456 2329

THE—See Also The Alphabetical Position Of The Second Word

THEL John P 104 1 St Newell	456 2174
THEFT Jerry RR 2 Box 113 Van	456 2477
Vince & Collette 309 S St Newell	456 2117
TIMM Casey & Debbie PO Box 105 Van	456 2122
William Bud & Juanita 101 Fox Av	456 2421

EXHIBIT NO. 3
10-27-97 cu

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

IN THE MATTER OF THE COMPLAINT FILED)	FINAL ORDER AND
BY KATHY ROTTENBUCHER, NEWELL, SD,)	DECISION; NOTICE OF
A G A I N S T S T A T E L I N E)	ENTRY OF ORDER
TELECOMMUNICATIONS, INC. REGARDING)	
UNPUBLISHED ADDRESS)	TC97-107

On June 23, 1997, the South Dakota Public Utilities Commission (Commission) received a complaint from Kathy Rottenbucher, Newell, South Dakota, against Stateline Telecommunications, Inc. (Stateline) regarding her address being published in a directory. Ms. Rottenbucher stated that she specifically requested an unpublished address, but her address was published in the Rapid City telephone book for West River customers. Stateline provides customer information to U S WEST Communications, Inc. (U S WEST) for the purpose of publishing telephone books. Ms. Rottenbucher requested proof of written reprimands for all parties, proof that changes were made to avoid similar mistakes in the future, access to the Board of Directors, and one thousand dollars for violation of trust, emotional and mental anguish, duress, and inconvenience.

At its regularly scheduled July 15, 1997, meeting, the Commission found probable cause of an unlawful or unreasonable act, rate, practice, or omission and served the complaint on Stateline. Stateline filed its Answer and Motion to Dismiss on August 14, 1997. At its October 9, 1997, meeting, the Commission considered Stateline's Motion to Dismiss. After listening to the arguments of the parties, the Commission denied the motion.

Pursuant to its Order for and Notice of Hearing, dated October 14, 1997, a hearing was held on October 27, 1997, in the Third Floor West Meeting Room, of the City/School Administrative Center, 300 6th Street, Rapid City, South Dakota. At the end of the hearing the Commission took the matter under advisement.

At its November 7, 1997, meeting, the Commission considered this matter. The Commission voted to find that Stateline's mistake in providing the Rottenbucher's address to U S WEST for publication in its directory was an unreasonable act. (Chairman Burg, dissenting.) In addition, the Commission found Stateline's refusal to provide Ms. Rottenbucher with the names of the Board of Directors was an unreasonable act. (Chairman Burg, dissenting.) On the issue of damages, the Commission found that Ms. Rottenbucher failed to prove that she suffered any actual damages as a result of Stateline's unreasonable act and denied the award of any damages.

Based on the testimony and evidence presented at the hearing, the Commission makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1

On June 23, 1997, the Commission received a complaint from Kathy Rottenbucher, Newell, South Dakota, against Stateline regarding her address being published in a directory. Exhibit 1. Ms. Rottenbucher stated that she specifically requested an unpublished address, but her address was published in the U S WEST Rapid City telephone directory for West River customers. Tr. at 8-10.

II

Stateline provides customer information to U S WEST for the purpose of publishing telephone books. Tr. at 39. Darrell Henderson, general manager of Stateline, agreed that Ms. Rottenbacher requested that her address not be published. Tr. at 38. Stateline mistakenly provided the address to U S WEST for publication in its directory. Tr. at 45-46. Stateline has since implemented a directory search program to identify anyone who has an unusual request in terms of the directory. Tr. at 43.

III

The Commission finds that Stateline's mistake in allowing Ms. Rottenbacher's address to be included in the U S WEST directory was an unreasonable act. Ms. Rottenbacher specifically requested an unpublished address and was told her request would be honored. Stateline subsequently failed to comply with that agreement.

IV

Ms. Rottenbacher requested the names of Stateline's Board of Directors. Mr. Henderson refused to provide those names. Tr. at 41. Mr. Henderson stated that it was Stateline's policy not to give out names of its Board of Directors for solicitations. Tr. at 50. However, since Ms. Rottenbacher is a customer, the Commission finds that Stateline's refusal to give Ms. Rottenbacher the names of Stateline's Board of Directors was an unreasonable act.

V

Ms. Rottenbacher requested \$1,000.00 in damages. Tr. at 34. The \$1,000.00 was, in part, based on Ms. Rottenbacher's estimate of what it would cost to move to a new residence. Id. In addition, the request for damages included compensation for pain and anguish. Tr. at 35. Ms. Rottenbacher had requested that her phone number but not her address be included in any directory because she does not want certain people to know where she lives. Tr. at 29-30. However, Ms. Rottenbacher also stated that she did not have any intention to move at this time. Tr. at 35.

VI

Damages may not be based on speculation but must be proven with reasonable certainty. The Commission finds that Ms. Rottenbacher's allegations of damages are speculative and that she has failed to prove that she suffered any actual damages as a result of her address being published in the U S WEST directory.

CONCLUSIONS OF LAW

I

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, and 49-31, and ARSD 20:10.01.07.01 through 20:10.01.15.01.

Stateline's act of providing the Rottenbucher's address for inclusion in the U S WEST directory and failure to provide Ms. Rottenbucher with the names of the Board of Directors are unreasonable acts. However, Ms. Rottenbucher failed to prove she suffered any damages as a result of these acts. Damages may be recovered only if facts exist that afford a basis for measuring any loss with reasonable certainty. Drier v. Perfection, Inc., 259 N.W.2d 496, 506 (S.D. 1977).

It is therefore

ORDERED that the Commission finds that Stateline's act of providing the Rottenbucher's address for inclusion in the U S WEST directory and failure to provide Ms. Rottenbucher with the names of the Board of Directors are unreasonable acts, and it is

FURTHER ORDERED that the Commission finds that Ms. Rottenbucher failed to prove she suffered any damages as a result of these acts.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that this Order was duly entered on the 1st day of December, 1997. Pursuant to SDCL 1-26-32, this Order will take effect 10 days after the date of receipt or failure to accept delivery of the decision by the parties.

Dated at Pierre, South Dakota, this 1st day of December, 1997.

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>Selene Kabis</i></u>
Date	<u>12/4/97</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman
dissenting

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

DISSENT OF CHAIRMAN BURG

I dissent from the findings that Stateline's act of providing the Rottenbucher's address for inclusion in the U S WEST directory and failure to provide Ms. Rottenbucher with the names of the Board of Directors are unreasonable acts. Although it was a mistake for Stateline to provide Ms. Rottenbucher's address to U S WEST for inclusion in the directory, that mistake does not rise to the level of an unreasonable act. Further, Stateline has taken steps to insure that this type of mistake does not occur again. I agree that Ms. Rottenbucher failed to show that she suffered any damages from this mistake.