

BEFORE THE PUBLIC UTILITIES COMMISSION
 OF THE STATE OF SOUTH DAKOTA
 500 E Capitol, State Capitol Building, Pierre SD 57501
COMPLAINT

TC 98-156
 RECEIVED
 SEP 11 1998

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Complainant(s): (Persons filing the complaint)		Respondent(s): (Persons or Company complained against)	
Name	Dale W & P. Rene Larson	Contact Person	
Address	301 Chicago Ave.	Company	U. S. West
City, State, Zip	Lead S.D. 57754	Address	116 + 9301
Home Phone	605 589-1491	City, State, Zip	Des Moines IA 50306-9231
Work Phone	605-642-3109	Work Phone	
Cellular Phone	580-1191	Cellular Phone	
Fax #		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.)

Dave Cloggett 741 Main St Spearfish SD 605-642-2708

These are the facts giving rise to my complaint:

On Aug 22, 1998 our business # 642-3109 was disconnected. Stephany O Schaeffer (sp) # 649 1607 started ringing through my business #. I did not realize our business # was disconnected until Aug 26, 1998. We reported the problem several times starting Aug 27, 1998. We were given dates of repair ranging from 1 hour to Sept 18. We expressed our extreme dismay of complete disapproval for the dates of service repair when the 1 hour + end of workday did not happen. Tuesday Sept 1 we still had no service. The complaint department recording stated they do not take claims unless they are for willful misconduct. I consider this willful misconduct because several of the employees that answered the repair calls advised this was not a repair to the site it is a switching problem. Repair should be quick & simple if we have lost more than 1000\$ that we would like reimbursement for. The final total will not be known until we are back in service. Enclosed is a copy of the news paper article pertaining to our problem, we have spoken to service employees in Portland Oregon & several phone interviews. We are distressed that this misconduct is costing us an enormous amount of money for our seasonal business.

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.

On may strike US West in contract dispute

US West strike causes local business owner grief

By SCOTT RANDOLPH
Staff Writer

One local business owner is still fighting a mistake made by US West that is costing her money but she sees no hope in sight to have the company correct its error due to the current strike.

Rene Larson operates Big Jim's Feud Ranch, the paint-ball combat site on the St. Onge Road, but she is finding it tough to do business with her phone disconnected.

"They crossed the lines or something and when people try to call they are told the line has been disconnected and is no longer in service," she said today.

A new customer in Spearfish has her phone ringing to the Feud Ranch now instead of to her residence as a part of the same error, said Larson.

Calls to US West have not been of any help at all, she said.

"First they told me it would be September 18 when they could get around to fixing their mistake, then it was September 14 and then September 12," she

said. "None of this does me any good because we are only open until the end of October and by the middle or end of September I can only guess at how much business we will have lost."

"I know for sure I have lost two one day bookings already," she said.

With Black Hills State University gearing up for the new school year, Larson said she is sure to lose more business as students often arrange to come to the Feud Ranch as part of the start of college festivities.

Larson said she was told by US West supervisors working during the strike of regular employees, that her service would be re-connected, at first by one employee, by the end of business on Friday and then, by another, "within an hour."

As of press-time Friday evening the same recording which reports the line has been disconnected, was reached when calling the Feud Ranch number.

"I am just furious," said Larson, "I think US West needs to put an ad in the paper to

let people know we are in business to make up for their mistake."

She said when she told a US West employee she wanted restitution for the money she had lost due to the error on the part of US West, she was told the company was getting "millions of dollars in claims but that we are not going to pay them."

"I am mad at US West, this is no way to run a business, they knew they were in contract negotiations before all of this but they did nothing to take care of their customers," she said.

"I don't blame the employees who are on strike, I mean, forced over-time, these people have lives too, this is the twentieth century," she said.

During one call to ask for help from US West, Larson said she was connected with an employee who commented, "I assume Spearfish is a town?"

"I was told, 'We see where the error is but I don't know how to fix it,'" she said. "Isn't that just great!"

F A X TRANSMISSION from Consumer Affairs

To: Colleen Sevold

Company : U S WEST

Fax Number : 8-605-339-5390

Date : 9/11/98

Time : 9:26:04

From : Leni Healy

Company : South Dakota PUC

Fax Number : 605.773.3809

Pages including cover page : 8

Message:

We have received the following formal complaints from Loretta Spear and Dale & Renee Larson. Commission policy allows a short period in which the parties may attempt an informal agreement before the issue becomes docketed.

Please inform us by noon on September 15th if such an agreement has been reached

Thank you.

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South Dakota Public Utilities Commission

State Capitol Building; Pierre SD 57501
Telephone: (605) 773-3201 Fax: (605) 773-3809

South Dakota Public Utilities Commission
WEEKLY FILINGS

For the Period of September 11, 1998 through September 17, 1998

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five business days of this filing. Phone: 605-773-3705. Fax: 605-773-3809.

TELECOMMUNICATIONS

TC97-126 In the Matter of the Filing by U S West Communications, Inc. For Approval of an Interconnection Agreement Between U S West Communications, Inc. And Dakota Telecom, Inc. And Dakota Telecommunications Systems, Inc.

Amended Interconnection Agreement between Dakota Telecom, Inc. and U S WEST Communications, Inc. This amendment adds or replaces language in the original agreement. Any party wishing to comment on the parties' amendment may do so by filing written comments with the Commission and the parties to the agreement no later than October 7, 1998. Parties to the amendment may file written responses to the comments no later than October 26, 1998.

Staff Attorney: Camron Hoseck.
Date Filed: September 17, 1998
Responses Due: October 7, 1998.

TC98-153 In the Matter of the Petition of East Plains Telecom, Inc., for Approval of Extension of Waiver of Switched Access Rules

Petition by East Plains Telecom, Inc. for an extension of the waiver of the switched access rules granted in TC96-125. East Plains requests that it be allowed to continue charging a seven cent switched access rate in the two exchanges it purchased from U S WEST Communications until the Commission approves a new rate, based on a cost study using calendar year 1998 data. East Plains did not acquire the Alcester and Hudson exchanges until June 1, 1997, and it does not have 12 months of actual operations and traffic information for these two exchanges.

Staff Attorney: Karen Cremer
Staff Analyst: Harlan Best
Date Filed: September 14, 1998
Intervention Deadline: October 2, 1998

TC98-154 In the Matter of the Application of New Concept Communications, LLC for a certificate of authority to provide telecommunications services in South Dakota.

Application by New Concept Communications, LLC for a Certificate of Authority to provide resold interexchange telecommunications services in South Dakota including intrastate long distance, travel and debit cards, and directory assistance.

Staff Attorney: Camron Hoseck
Staff Intern: Kylie Tracy
Date Filed: September 15, 1998
Intervention Deadline: October 2, 1998

TC98-155 In the Matter of the Complaint filed by Loretta Spear, Hill City, South Dakota, against U S West Communications.

Complaint by Loretta Spear vs U S West Communications. Complainant raises service issues including static on their lines, service disruptions, delayed repairs, and inability to receive Caller ID subscription. The Complainant requests the following relief: "Insure that credit is given for Caller ID and 3 weeks without telephone service. Also resolution to updating telephone service in the area."

Staff Attorney: Karen Cremer
Consumer Representative: Leni Healy
Date Filed: September 3, 1998
Intervention Deadline: NA

TC98-156 In the Matter of the Complaint filed by Dale and Rene Larson, Lead, South Dakota, against U S West Communications.

Complaint by Dale and Rene Larson vs. U S West Communications. Complainants allege that on August 22, 1998, their telephone number was disconnected and someone else's number was ringing into their line. The business line had been disconnected several days before the problem was discovered. The Complainants requested a repair of their service. At the time the Complainants filed the complaint the service had not been repaired. The Complainants are requesting \$1500 from U S West for lost business and damages

Staff Attorney: Karen Cremer
Consumer Representative: Leni Healy
Date Filed: September 11, 1998
Intervention Deadline: NA

TC98-157 In the Matter of the Complaint filed by Karen Erickson, Aberdeen, South Dakota, against McLeodUSA Telecommunications Services, Inc.

Complaint by Karen Erickson vs. McLeodUSA Telecommunications Services, Inc. Complainant alleges that on April 27, 1998, telephone service was requested to be installed at Complainant's residence on May 1, 1998. Service was not provided until May 20, 1998. The Complainant requests \$185 for switching fees, \$200 for emotional stress, and payment of cellular service.

Staff Attorney: Karen Cremer
Consumer Representative: Leni Healy
Date Filed: September 2, 1998
Intervention Deadline: NA

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

IN THE MATTER OF THE COMPLAINT FILED) BY DALE W. AND P. RENE LARSON, LEAD,) SOUTH DAKOTA, AGAINST U S WEST) COMMUNICATIONS, -INC. REGARDING) DISCONNECTION)))))))	ORDER FINDING PROBABLE CAUSE AND NOTICE REQUIRING ANSWER TC98-156
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On September 11, 1998, the Public Utilities Commission (Commission) received a complaint filed by Dale W. and P. Rene Larson, Lead, South Dakota (Complainants), against U S WEST Communications, Inc. (U S WEST) regarding their business line being disconnected. Complainants allege that on August 22, 1998, their telephone number was disconnected and someone else's number was ringing into their line. The business line had been disconnected several days before the problem was discovered. The Complainants requested a repair of their service. At the time the Complainants filed the complaint, the service had not been repaired. The Complainants are requesting \$1,500 from U S WEST for lost business and damages.

Pursuant to ARSD 20:10:01:08.01 and 20:10:01:09, if a complaint cannot be settled without formal action, the Commission shall determine if the complaint shows probable cause of an unlawful or unreasonable act, rate, practice or omission to go forward with the complaint.

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

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-13-1, 49-13-4, 49-13-13, 49-13-14.1, 49-31-3, 49-31-7, 49-31-7.1, 49-31-11, 49-31-60 through 49-31-68, inclusive, and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission voted unanimously to find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and that the complaint shall be forwarded to U S WEST and U S WEST shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 26th day of October, 1998.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u><i>Delaine Kaabo</i></u>
Date: <u>10/27/98</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

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

IN THE MATTER OF THE COMPLAINT FILED) BY DALE W. AND P. RENE LARSON, LEAD,) SOUTH DAKOTA, AGAINST U S WEST) COMMUNICATIONS, INC. REGARDING) DISCONNECTION)	ORDER DISMISSING COMPLAINT AND CLOSING DOCKET TC98-156
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On September 11, 1998, the Public Utilities Commission (Commission) received a complaint filed by Dale W. and P. Rene Larson, Lead, South Dakota (Complainants), against U S WEST Communications, Inc. (U S WEST), regarding their business line being disconnected. Complainants allege that on August 22, 1998, their telephone number was disconnected and someone else's number was ringing into their line. The business line had been disconnected several days before the problem was discovered. The Complainants requested a repair of their service. At the time the Complainants filed the complaint, the service had not been repaired. The Complainants are requesting \$1,500 from U S WEST for lost business and damages.

Pursuant to ARSD 20:10:01:08.01 and 20:10:01:09, if a complaint cannot be settled without formal action, the Commission shall determine if the complaint shows probable cause of an unlawful or unreasonable act, rate, practice or omission, to go forward with the complaint.

On October 20, 1998, at a duly noticed meeting, the Commission voted unanimously to find probable cause. At its regularly scheduled November 25, 1998, meeting, Staff reported that the complainant and U S WEST had reached an agreement in this matter and they were requesting that the Commission dismiss the complaint and close the docket. The Commission voted to close the docket as the matter had been resolved to the parties' satisfaction.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-10, 49-31-11, and ARSD 20:10:01:08.01 and 20:10:01:09. It is therefore

ORDERED, that the complaint is dismissed and the docket is hereby closed.

Dated at Pierre, South Dakota, this 4th day of December, 1998.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in property addressed envelopes, with charges prepaid thereon.
By: <u>Melanie Kalbs</u>
Date: <u>12/3/98</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner