

TC98-180

K.C.L.A.

TC98-180

DOCKET NO. \_\_\_\_\_

In the Matter of \_\_\_\_\_

IN THE MATTER OF THE COMPLAINT  
 FILED BY MITZI AND STEVE MOORE,  
 WATERTOWN, SOUTH DAKOTA,  
 AGAINST U S WEST  
 COMMUNICATIONS, INC. REGARDING  
 DELAY IN SERVICE

## Public Utilities Commission of the State of South Dakota

DATE

MEMORANDA

9/30/98 Received;

10/6/98 Rejected;

10/8/98 Reply Filing;

10/26/98 Order Dismissing Complaint and Closing Docket;

10/26/98 Docket Closed

TC 98-180

RECEIVED

SEP 30 1998

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

## COMPLAINT

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

Complainant(s): (Persons filing the complaint)		Respondent(s): (Persons or Company complained against)	
Name	Mika and Steve Nove	Contact Person	
Address	209 Birch Av NE	Company	7/31/98 (communications)
City, State, Zip	Sioux Falls, SD 57104	Address	
Home Phone	605-924-4156	City, State, Zip	
Work Phone	605-924-4156	Work Phone	605-924-4156
Cellular Phone	605-924-4152	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.)			

These are the facts giving rise to my complaint:

Please see attached letter

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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?)

Please see attached letter

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTE: Please attach any additional pages, if necessary.

## VERIFICATION

Complainant's signature must be witnessed by a notary public.

Complainant's Signature

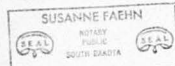
Date

State of South Dakota )

County of Codington )On this 29<sup>th</sup> day of September, 1998.before me personally came and appeared Mika Nove 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.

Signature of Notary Public

(SEAL)  
My commission expires: 11/6/04

September 28, 1998

RECEIVED

SEP 30 1998

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

Dear Public Utilities Commission:

I am writing to file a formal complaint. The following information reveals the facts giving rise to my complaint.

On August 1, 1998, or very near that date, I called US West Communications to move phone service from our rental home (209 N. Maple, Watertown, SD 57201) to our newly constructed home (2107 Birch Ave. NE, Watertown, SD 57201). A US West representative called me back around August 10, 1998, with a verbal commitment that the line in our new area of development would be in place around September 15, 1998, and we would have regular phone service no later than September 21, 1998. Until that time, they agreed to rent a cell phone to us for \$17.00 per month and would pay for all minutes except for long distance. These minutes must be covered on a calling card.

September 21, 1998 has since past, and we have no regular phone service. Since I cannot dial 1-800 numbers from our cell phone, I must try to contact US West from my place of work. Since September 22, 1998, I have talked to at least five different representatives of US West on separate occasions. Each time, I am put on hold and referred to the "line" division, where no one picks up the phone. I do not have the luxury of spending unlimited work time for personal business on the phone. I asked US West to return my call at my home number. They verbally commit to call me, but never follow through on their commitment.

The only other resident on the North side of Birch Avenue is Mike Meyers. We are both without regular phone service. (South side residents of Birch Ave. do have regular phone service.) Mike Meyers has visited with me and there seem to be several concerns. First, from Mike's communication with US West, he has come to understand that their computers say that we should have had phone service by September 21, 1998. They have since told Mike that we will have regular phone service by October 31, 1998. Secondly, US West tells Mike that the responsibility and blame falls on the developer, Haugan-Nelson Realty, Watertown, SD. It does seem significant and questionable that a developer would sell land for homes to be built without making adequate plans for phone service to be made available within a reasonable amount of time, especially since some homes in this development have been established and ready for sale for at least a year.

Several more personal concerns exist. I have been unable to make interstate long distance phone calls because US West will not accept my AT&T phone card. (I can, however, make out of state long distance calls with my AT&T calling card.) Since I was assured that we would have regular service by Sept. 21, 1998, I have not made arrangements for a US West phone card. Phone communication with my immediate family and friends has been minimal. Additionally, credit card phone call rates are

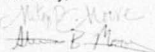
outrageous. Secondly, US West has rented a "bag" cell phone to us. It is large and cumbersome. Thus, I have no portable phone in my home. This has been very inconvenient when my one year old daughter is moving about and must be supervised during a phone conversation. Thirdly, numerous phone conversations are unclear and are often cut off completely on the cell phone.

In conclusion, commitments for phone service have been verbally made with no follow through and no one wants to be accountable for following through to get phone service available to our homes on the North side of Birch Avenue.

The following is my resolution request. I ask that the Public Utilities Commission grant the following relief. Regular phone service should be made available as soon as possible and before October 31, 1998. Additionally, compensation should be made by the accountable party for any long distance calls which had to be made with calling card rates, the inconvenience of having a "bag" cell phone, and the hardship of minimal phone contact with family and friends during this time.

I appreciate your time and effort on our behalf. I look forward to a resolution and hearing from you soon.

Sincerely,



Mitzi D. Moore  
Steven B. Moore  
2107 Birch Ave. NE  
Watertown, SD 57201

(605) 886-4185

# FAX TRANSMISSION from Consumer Affairs

To : Colleen Sevold

Company : U S WEST

Fax Number : 8-605-339-5390

Date : 10/2/98      Time : 9:20:36

From : Leni Healy

Company : South Dakota PUC

Fax Number : 605.773.3809

Pages including cover page : 8

## Message:

We have received the following complaints from Michael Meyer and Mitzi & Steve Moore concerning their held orders.

Commission policy allows a brief time in which the parties may attempt an informal resolution before the issues become docketed matters. Please review this information and let us know if such a resolution is reached before noon on Oct. 6, 1998.

Thanks.

THIS COMMUNICATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any distribution, use or copying of this communication is prohibited.

### **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 October 2, 1998 through October 8, 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

ELECTRIC

EL98-020 In the Matter of the Complaint filed by Lori Bult, Crooks, South Dakota, against Northern States Power Company Regarding Poor Customer Service.

Complaint by Lori Bult vs. Northern States Power Company. The Complainant outlines rude treatment and inconsistent information from the NSP call center on several occasions. Although the Sioux Falls Salvation Army, Heat Share and Interlakes Community Action representatives contacted the NSP call center on behalf of the Bult family, these contacts were not noted on the computer account notes. The Complainant requests the Public Utilities Commission to "examine how NSP handles their accounts, notes their PC system, and communicates with other NSP employees. It should also force NSP to reopen the Sioux Falls office to handle the customers from South Dakota. (Even the service representative who assisted with our disconnect received 3 different answers from NSP.) NSP also needs to train their reps to treat the customers with respect and dignity, we don't need to be humiliated and scolded by someone on the other end of the phone."

Staff Attorney: Camron Hoseck  
Consumer Representative: Leni Healy  
Date Filed: 10/01/98  
Intervention Deadline: N/A

EL98-021 In the Matter of the Complaint filed by Ellen Medicine Horn, Sioux Falls, South Dakota, against Northern States Power Company Regarding a Cross Wired Meter.

Complaint by Ellen Medicine Horn vs. Northern States Power Company. The Complainant was billed \$712.91 for charges resulting from a cross wired meter. The Complainant seeks the following relief: "I don't think I should pay all of this because it wasn't my fault about the mixed up meters. I have been paying my light bill. I should be charged from the time this got noticed."

Staff Attorney: Camron Hoseck  
Consumer Representative: Leni Healy  
Date Filed: 10/02/98  
Intervention Deadline: N/A

TELECOMMUNICATIONS

TC98-178 In the Matter of the Complaint filed by Earl Waterland, Marcus, South Dakota, against Golden West Telecommunications Cooperative, Inc., Regarding Discriminatory Installation Fees

Complaint by Earl Waterland vs. Golden West Telecommunications Cooperative, Inc. The Complainant supports the complaint filed by Barry and Dawn Austin (TC98-179). The Complainant seeks the following relief: "I believe the coop should either make (an) exception in hardship case or do away with the policy on trailer houses entirely."

Staff Attorney: Karen Cremer  
Consumer Representative: Leni Healy  
Date Filed: 09/23/98  
Intervention Deadline: N/A

TC98-179 In the Matter of the Complaint filed by Barry and Dawn Austin, White Owl, South Dakota, against Golden West Telecommunications Cooperative, Inc. Regarding Discriminatory Installation Fees

Complaint by Barry and Dawn Austin vs. Golden West Telecommunications Cooperative, Inc. The Complainants allege that Golden West Telecommunications Cooperative, Inc. discriminates against mobile home owners in their line extension policy. The Complainants seek relief from such a policy.

Staff Attorney: Karen Cremer  
Consumer Representative: Leni Healy  
Date Filed: 09/23/98  
Intervention Deadline: N/A

TC98-180 In the Matter of the Complaint filed by Mitzi and Steve Moore, Watertown, South Dakota, against U S West Communications, Inc., Regarding Delay in Service.

Complaint by Mitzi and Steve Moore vs. U S West Communications, Inc. The Complainants state that on August 1, 1998, they contacted U S West to transfer service to their new home on September 21, 1998. Service was not installed on that date. As a result, the Complainants have incurred expenses and do not have a land line. The Complainants are requesting compensation and installation of their line.

Staff Attorney: Karen Cremer  
Consumer Representative: Leni Healy  
Date filed: 09/30/98  
Intervention Deadline: NA

TC98-181 In the Matter of the Complaint filed by Michael F. Meyer, Watertown, South Dakota, against U S West Communications, Inc., Regarding Delay in Service.

Complaint by Michael F. Meyer vs. U S West Communications, Inc. The Complainant states that on July 15, 1998, he contacted U S West to transfer service to his new home on July 30, 1998. Service was not installed on that date. As a result, the Complainant has incurred expenses and does not have a land line. The Complainant is requesting compensation and installation of his line.

Staff Attorney: Camron Hoseck  
Consumer Representative: Leni Healy  
Date filed: 09/30/98  
Intervention Deadline: NA

### PROPOSED TELECOMMUNICATIONS RULES

The Proposed Telecommunications Rules can be found on the internet at:

<http://www.state.sd.us/state/executive/puc/rulessgi.html>

The hearing will be held at 8:30 a.m., on November 2, 1998, in Room 412, State Capitol, Pierre, South Dakota. The complete Notice of Public Hearing to Adopt Rules can be found on the internet at:

<http://www.state.sd.us/state/executive/puc/rulesnot.htm>

If you do not have access to the internet, you may call 1-800-332-1782 or write to the South Dakota Public Utilities Commission, 500 East Capitol, Pierre, South Dakota 57501 to request a copy of the rules or notice.

\* \* \* \* \*

You may receive this listing and other PUC publications via our website or via internet e-mail.

You may subscribe to the PUC mailing list at

<http://www.state.sd.us/state/executive/puc/puc.htm>

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

IN THE MATTER OF THE COMPLAINT FILED )	ORDER DISMISSING
BY MITZI AND STEVE MOORE, WATERTOWN, )	COMPLAINT AND CLOSING
SOUTH DAKOTA, AGAINST U S WEST )	DOCKET
COMMUNICATIONS, INC. REGARDING DELAY )	
IN SERVICE )	TC98-180

On September 30, 1998, the Commission received a complaint filed by Mitzi and Steve Moore, Watertown, South Dakota (Complainants), against U S WEST Communications, Inc. (Respondent), regarding a delay in services which resulted in the Complainants incurring expenses. The Complainants do not have a land line and they are requesting compensation and installation of their line.

Pursuant to ARSD 20:10:01:08:01 and 20:10:01:09, if a complaint cannot be settled without formal action, the Commission shall determine if the complaint shows probable cause of an unlawful or unreasonable act, rate, practice or omission to go forward with the complaint.

On October 15, 1998, at its duly noticed meeting, the Commission reviewed the complaint. Commission Staff represented to the Commission that the Complainants, before the meeting, had indicated to Staff that accord had been reached with Respondent. Based upon this communication from the Complainants, Commission Staff recommended that the complaint be dismissed and the docket closed.

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 dismiss the complaint and close the docket, it is therefore

ORDERED, that this complaint be dismissed and the docket be closed.

Dated at Pierre, South Dakota, this 24<sup>th</sup> day of October, 1998.

<b>CERTIFICATE OF SERVICE</b>
<small>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.</small>
By <u><i>Nelson Kelbs</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