

TC98-181

CH/LH

TC98-181

DOCKET NO. _____

In the Matter of _____

IN THE MATTER OF THE COMPLAINT
 FILED BY MICHAEL F. MEYER,
 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;

10/16/98 Rcketed;

10/18/98 Reply Filing;

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

10/26/98 Rcket Closed.

TC 98-181
**BEFORE THE PUBLIC UTILITIES COMMISSION
 OF THE STATE OF SOUTH DAKOTA**
 500 E. Capitol, State Capitol Building, Pierre SD 57501

RECEIVED

SEP 30 1998

SOUTH DAKOTA PUBLIC
 UTILITIES COMMISSION

COMPLAINT

Complainant(s): (Persons filing the complaint)		Respondent(s): (Persons or Company complained against)	
Name	Michael E. Mayer	Contact Person	
Address	2111 Birch Ave NE	Company	US West Comm.
City, State, Zip	Watertown SD 57207	Address	
Home Phone	886-5673 (cell)	City, State, Zip	
Work Phone	886-9595	Work Phone	
Cellular Phone	881-0750	Cellular Phone	
Fax #		Fax #	
<small>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.)</small>			

These are the facts giving rise to my complaint:

We purchased a new home from Naugan-Nelson Realty in Watertown SD 7-15-98. We contacted US West and they said we would have phone service as of 7-30-98. US West came on 7-30-98 and then told us there was no phone cable up to our house. We called US West that day and they said they would check on it. They didn't back so we called them a few days later. They told us the earliest we would have a phone would be Sept. 30. We asked what we could do for phone service if they set us up with a cellular phone for local calls only we have no long distance service. They told us we would pay \$17.00 per month for this service. Our first bill was \$28.00 and our current bill is \$30.00. I called US West and they said they would correct it but haven't on Sept. 15 I called US West and was told I would have phone service on 9-20-98. Sept 18 they called back and said the Engineering Office in Denver said we wouldn't have phone service until at least Oct. 20 but no later than 10-30-98. We own a business & own rental properties & are having trouble renting & new rental because we can't have caller ID or our answering machine. Also with the cell phone they provided it rings 5 times & quits & we miss calls.

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?)

I think the Commission should contact US West and Naugan-Nelson Realty in Watertown & determine who is at fault & why we weren't told before we spent \$22000 on a new home. Why is there phone service across the streets we would like to know who is responsible for our extra expenses and our inconvenience.

NOTE: Please attach any additional pages, if necessary.

VERIFICATION

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

Michael E. Mayer 9-29-98
 Complainant's Signature Date

State of South Dakota)
 County of Codington)
 On this 30th day of September, 1998

before me personally came and appeared Michael E. Mayer 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.

Notary Public
 Signature of Notary Public

(SEAL)
 My commission expires: 7-31-05

I asked US West if they were going to pay my personal cell phone bill which I had to use to make long distance calls & my extra long distance calls made at my Business & they said absolutely not. I would like to know who is liable for all of our extra expenses and inconvenience.

When we purchased our home we were never told there would be no phone service. In fact the contractors had combination cable and phone hook-ups throughout the house. We would never have purchased this home if we were told there was no phone service, because of our businesses.

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/rulesagl.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.

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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 MICHAEL F. MEYER, WATERTOWN,)	COMPLAINT AND CLOSING
SOUTH DAKOTA, AGAINST U S WEST)	DOCKET
COMMUNICATIONS, INC. REGARDING)	
TELEPHONE SERVICE OUTAGES AND)	TC98-181
INADEQUATE SERVICE)	

On September 30, 1998, the Commission received a complaint filed by Michael F. Meyer, Watertown, South Dakota (Complainant), against U S WEST Communications, Inc. (Respondent), regarding missed commitments on phone installation, billing problems with the substitute cellular service and inconvenience and expense suffered as a result thereof.

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 Complainant, before the meeting, had indicated to staff that accord had been reached with Respondent. Based upon this communication from the Complainant, 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 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 DeLaine Kalkbrenner

Date 10/27/98

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner