

THE PUBLIC UTILITIES COMMISSION **RECEIVED**
OF THE STATE OF SOUTH DAKOTA NOV 25 1998

-----) SOUTH DAKOTA PUBLIC
 3 IN THE MATTER OF THE COMPLAINT) UTILITIES COMMISSION
 4 FILED BY SHERYL L. KLEIN, VALENTINE)
 NEBRASKA, AGAINST U S WEST) TC98-183
 5 COMMUNICATIONS, INC. REGARDING POOR)
 SERVICE AND REQUEST TO HAVE LINES)
 6 UPDATED)
)
 7 AND)
)
 8 IN THE MATTER OF THE COMPLAINT)
 FILED BY JOANN C. KLEIN, VALENTINE)
 9 NEBRASKA, AGAINST U S WEST) TC98-184
 COMMUNICATIONS, INC. REGARDING POOR)
 10 SERVICE AND REQUEST TO HAVE LINES)
 11 UPDATED)
 -----)

HEARD BEFORE THE PUBLIC UTILITIES COMMISSION

14 PROCEEDINGS: November 3, 1998
1:30 P.M.
15 Room 412, Capitol Building
16 Pierre, South Dakota

17 PUC COMMISSION: Jim Burg, Chairman
18 Laska Schoenfelder, Commissioner
Pam Nelson, Commissioner

19 COMMISSION STAFF
20 PRESENT: Rolayne Ailts Wiest
Karen Cremer
21 Camron Hoseck
Harlan Best
22 Bob Knadle
Gregory A. Rislov
23 Steve Wegman
David Jacobson
24 Leni Healy
Shirleen Fugitt
25 Kylie Tracy, Intern

Reported by: Lori J. Grode, RMR

ORIGINAL

A P P E A R A N C E S

(Appearances by Telephone)

For US West: Thomas J. Welk and
 Colleen Sevold
 P.O. Box 5015
 Sioux Falls, South Dakota,
 57117-5015

 Jim Gallegos
 1801 California Street, Suite 5100
 Denver, Colorado, 80202

Also Present: Milton Klein and JoAnn Klein

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P R O C E E D I N G S

(CONFERENCE CALL)

CHAIRMAN BURG: We'll call the meeting to order. I'm Chairman Jim Burg, and Commissioners Schoenfelder and Nelson are also present. Let me do the roll call on the phone.

(Roll Call taken at this time.)

CHAIRMAN BURG: Okay. Just for your information, we are going to take the two Klein Complaints first. They're 183 and 184. But first we will take up the minutes, approval of the minutes of the Commission meeting held October 15th, 20th, and 27th, 1998. Were there any corrections or changes submitted?

MS. FUGITT: No changes.

CHAIRMAN BURG: No changes. We will move to items under Telecommunications Items Number 16 and 17. And item Number 16 is TC98-183, In the Matter of the Complaint filed by Sheryl L. Klein, Valentine, Nebraska, against U.S. Communications, Incorporated, Regarding Poor Service and Request to Have the Lines Updated.

The question being today: Does the Commission find probable cause of an unlawful or unreasonable act, rate, practice, or omission to go

1 forward with this complaint and serve it upon the
2 Respondent.

3 Miss Klein, we'll let you go first. Just
4 explain basically what the problem has been with your
5 phone service.

6 MS. JOANN KLEIN: This is JoAnn Klein.

7 CHAIRMAN BURG: I said Sheryl. Is that the
8 same party?

9 MR. MILTON KLEIN: This is Milton Klein. I'm
10 Sheryl's wife. (sic)

11 CHAIRMAN BURG: Go ahead, Milton.

12 MR. MILTON KLEIN: Okay. We had a great deal
13 of difficulties of service on our phone line, and it's
14 been since January, most of it, 1998, and apparently
15 keeps shorting out calls and service and they can never
16 find the problem. And I think they may have finally in
17 October found the problem which was causing all those
18 outages and it was in a junction box where an old line
19 met a new line. And I don't understand why it takes so
20 long to find them.

21 And I have a lot of questions about
22 reliability of our system. We've got a hodgepodge of
23 apparently old equipment and some of the wires are a
24 lot newer. I'm concerned that this phone line, this
25 system is not reliable. I think that they need to fix

1 it so it is reliable.

2 CHAIRMAN BURG: Okay. Let me just ask
3 because you're both on the phone -- JoAnn, are you on
4 the same line basically?

5 MS. JOANN KLEIN: Basically, yes, we're on
6 Hidden Timber Route that comes out of Valentine,
7 Nebraska; and I am one sprinkle on the tree and Milton
8 Klein, who is my son and my closest neighbor.

9 CHAIRMAN BURG: Are there any other people on
10 this line besides the two of you?

11 MR. MILTON KLEIN: We're not really on the
12 same line. We're on a station farmstead.

13 CHAIRMAN BURG: I mean on the same system
14 that comes out of Nebraska.

15 MR. MILTON KLEIN: Oh, yes. People on the
16 branch out probably, oh, 25 in this neighborhood.

17 CHAIRMAN BURG: Do you know if any of them
18 are having the same problems?

19 MR. MILTON KLEIN: Everybody.

20 CHAIRMAN BURG: That was kind of what I was
21 wanting to see if it was a system that was the
22 problem. Are you -- you have an address of is it
23 Valentine.

24 MR. MILTON KLEIN: Yes, that's correct.

25 CHAIRMAN BURG: Where do you live though? Do

1 you live in South Dakota?

2 MR. MILTON KLEIN: About 25 miles north of
3 the border.

4 MS. JOANN KLEIN: In Todd County.

5 CHAIRMAN BURG: Thank you. Any other
6 questions for Milton? I think what I will do is ask
7 JoAnn to make her comments, too, and then we'll have
8 U S West respond, because I think they'll be similar.
9 JoAnn, do you have anything else that you would like to
10 add?

11 MS. JOANN KLEIN: That essentially was our
12 problem, the problem with service and then of course on
13 billing we just -- when things are really not working
14 right, we get all of these strange things billed. For
15 example, one of our recent, the most recent I had 24
16 directory assistance on the billing, and plus we've had
17 billed telephone calls to people that we did not call
18 and calls for -- I don't know what they call those.

19 MR. MILTON KLEIN: Trace calls.

20 MS. JOANN KLEIN: Yes. And, you know --

21 CHAIRMAN BURG: You didn't request any trace;
22 right?

23 MS. JOANN KLEIN: No. All sorts of things
24 like that. And in addition to poor service, we've had
25 noises, strange noises, weird noises, like a pinging or

1 a 12 hours straight, five minutes a ping.

2 CHAIRMAN BURG: You mean it's pinging when
3 your phone is hung up?

4 MS. JOANN KLEIN: Yes, starting at 4 o'clock
5 and 2 o'clock in the morning and all night long. Not a
6 full ring, but pinging noises, and which are very
7 disconcerting. They have, however, on the billings we
8 have had to call in and ask they be removed from our
9 bills, which is a nuisance but --

10 CHAIRMAN BURG: Have they always removed them
11 when you requested it?

12 MS. JOANN KLEIN: As far as I'm concerned,
13 yes, they've been accommodating.

14 CHAIRMAN BURG: And, Milton, did you say that
15 you think it has been fixed, that part of it?

16 MR. MILTON KLEIN: That one problem, that
17 probably the big problem that was causing it had been.
18 However, last Wednesday mine started doing it again.

19 CHAIRMAN BURG: I think we'll get a comment
20 from U S West and then if there's -- if we need a
21 response, we'll come back to you. Are you handling
22 this, Colleen?

23 MS. SEVOLD: Yes, I am, Mr. Chairman. Thank
24 you. This is Colleen Sevold, U S West. And I believe
25 both of these customers reside in South Dakota;

1 however, they are served out of our Valentine,
2 Nebraska, service. So I have been visiting with the
3 foreman in Valentine, Nebraska, that is very familiar
4 with these two customers. And he has told me, too,
5 that they have done extensive maintenance work on
6 these, trying to, you know, to get the customer very
7 good service. He believes that the things they have
8 done within the last two months have probably been
9 pretty successful in taking care of all their
10 complaints.

11 I know that he did have -- one of the
12 customers did have trouble last week, and the foreman
13 from Nebraska told me that they did go out there. But
14 he continues to work on maintaining it. He believes
15 that he has done some things that are pretty successful
16 in getting it accomplished. And I have taken care of
17 removing the charges. I know there was some directory
18 assistance charges from AT&T and there was some other
19 charges, and even though those aren't U S West charges,
20 I made customer service adjustments on the accounts to
21 accommodate for those. So I believe that all of the
22 credits have been taken care of. And if not, they just
23 need to let me know and I'd be glad to do that.

24 COMMISSIONER SCHOENFELDER: Colleen, this is
25 Commissioner Schoenfelder. What kind of a carrier

1 system is that? What kind of outside plant is that?

2 MS. SEVOLD: They're served on a SLC 8
3 system.

4 COMMISSIONER SCHOENFELDER: That's different
5 than what I'm used to, so would you explain to me what
6 that is?

7 MS. SEVOLD: Quite frankly, Commissioner
8 Schoenfelder, I'm not able to explain it. I was
9 talking to the foreman this morning, and he told me
10 that is the type of system. I can certainly get more
11 information on it.

12 COMMISSIONER NELSON: Do you know if it will
13 handle CLASS services?

14 MS. SEVOLD: I believe it does, yes. I
15 believe that they have a way of putting a card in it
16 that does make it offer CLASS services.

17 COMMISSIONER NELSON: So they could get
18 Caller ID and use fax machines and Internet?

19 MS. SEVOLD: It is my understanding, yes,
20 Commissioner Nelson, they can do that.

21 COMMISSIONER SCHOENFELDER: But what do you
22 think was the reliability problem then, Colleen?

23 MS. SEVOLD: Well, according to the foreman,
24 he moved some terminals. He felt that, you know,
25 moving them in a different location, he told me that he

1 repaired a drop. They also did some work on the
2 cables. They did some repeater work. He said, "We did
3 quite extensive maintenance work, and we believe that
4 you know, it's definitely going to be very helpful."
5 And he's just -- I continue to monitor it all the time,
6 and I will continue to do that.

7 COMMISSIONER SCHOENFELDER: Thank you.

8 MS. JOANN KLEIN: May I ask?

9 CHAIRMAN BURG: Go ahead, JoAnn. Was that
10 you?

11 MS. JOANN KLEIN: Yes. May I ask what he
12 means by monitoring?

13 MS. SEVOLD: He's very aware of the
14 situation. He's very concerned about it. And he just
15 told me, "I am going to continue to make sure that my
16 people maintain it, that we get them the very best
17 service that we can."

18 MS. JOANN KLEIN: Well, does he not have to
19 -- when we call in a complaint, or we get somewhere so
20 we can't call in, or maybe it comes back on and we've
21 had lousy service all weekend, what is his procedure
22 for getting someone out to work on it?

23 MS. SEVOLD: We do have to have the customer
24 call into the repair department so that a ticket is
25 generated before he can do it. Then that ticket goes

1 to this foreman, and his people are the ones that
2 respond to it. And so what he's saying is, "Anything I
3 hear, any time that I know of anything at all, you can
4 be sure that I'm going to be right out there taking
5 care of it."

6 CHAIRMAN BURG: Colleen, can you get us the
7 complaint or the interruption records for that whole
8 system? I know the parts of it probably are Nebraska.
9 Am I'm guessing right?

10 MS. SEVOLD: Yes, it is all in Nebraska.
11 They are serving some South Dakota customers but, yeah.

12 CHAIRMAN BURG: Right. But I would like to
13 have the outage report or the complaint, however
14 they're generated for that system, for the last year.
15 Let me put it that way.

16 MS. SEVOLD: Okay. Let me see what I can
17 get, Commissioner Burg.

18 CHAIRMAN BURG: I think my personal feeling
19 is is that we keep this docket open to see -- to make
20 sure you don't have any more complaints. They've just
21 told us they think they have it fixed. And, Milton,
22 you've indicated so far since they last fixed it you
23 haven't had an additional problem; is that correct?

24 MR. MILTON KLEIN: Well, last week I had
25 problems, yes.

1 CHAIRMAN BURG: And they -- Colleen, can you
2 tell me when he felt they had it fixed?

3 MS. SEVOLD: Well, he did tell me this
4 morning -- I talked to him as late as this morning, and
5 he did say that we had one more trouble report on it
6 last week. But he says, "We are -- you know, we
7 believe a lot of the stuff we've done is going to fix
8 the majority of the problems." And, you know, as
9 something comes up, they'll be right back there doing
10 anything more than they can do.

11 CHAIRMAN BURG: My real problem is if this
12 continues even if you have it fixed and then we get
13 into the winter and we get the freeze-up stage so that
14 if anything additional needs to happen, it can't. And
15 I hate to see that occur. Does staff have any
16 comments?

17 MR. HOSECK: Mr. Chairman, Camron Hoseck on
18 behalf of staff. With regard to these, there is a
19 request for damages which the Commission should keep in
20 mind. As to keeping these open for a while to see if
21 there's -- if the problem has been fixed, I guess I
22 personally would have no objection to that. However,
23 these people have asked for damages, and there may have
24 to be a determination of damages at a later point in
25 time.

1 CHAIRMAN BURG: I agree. You know, I'm not
2 sure. I'm trying to decide. And, again, I leave it up
3 to some other -- or any other comments that might be as
4 to whether there's a purpose to find probable cause
5 right now or whether to monitor it to see whether it's
6 fixed and then determine if there should be damages,
7 whether or not it was done. But does staff have a
8 recommendation?

9 MR. HOSECK: Yes. Staff would recommend that
10 probable cause be found in both cases because we are
11 interested in getting to the bottom of the facts in
12 this matter.

13 CHAIRMAN BURG: Okay. Any other comments or
14 questions? Does U S West have any comments on the
15 recommendation of probable cause?

16 MS. SEVOLD: Well, I can only say,
17 Commissioner Burg, that I -- you know, we will continue
18 to maintain it. We believe we've got the problem, you
19 know, fixed. I know there was one more last week, but
20 when our technician went out there he could not find
21 any trouble on it. We'll continue to monitor it
22 quickly. So I believe, you know, in my estimation
23 there would be no need for probable cause.

24 CHAIRMAN BURG: Do you have comments on the
25 damage request?

1 MS. SEVOLD: I believe -- and I would have to
2 review it again, but I believe only one customer asked
3 for damages.

4 CHAIRMAN BURG: Right.

5 MS. JOANN KLEIN: Only one customer?

6 MS. SEVOLD: One of the two. It was my
7 understanding one of the two asked for \$500.

8 MS. JOANN KLEIN: Milton, you want to address
9 that?

10 MR. MILTON KLEIN: That was us. I don't know
11 what you did.

12 MS. JOANN KLEIN: Well, I did because I asked
13 for reimbursement or credit for the days when we
14 haven't had phones. When we don't have a phone out of
15 here for two or three days, I don't think why should we
16 pay for the service?

17 MS. SEVOLD: There is an automatic credit
18 given for any days that you are out of service. That's
19 an automatic.

20 MS. JOANN KLEIN: How do you know that? Do I
21 have to call?

22 MS. SEVOLD: No. It is automatically
23 credited to your account when you are out of service
24 over 24 hours.

25 MS. JOANN KLEIN: Well, I guess I don't

1 remember. Oh, just a minute, my husband --
2 well, if we did, do I have to call in and say we didn't
3 have service in order to get credit for not having
4 service?

5 MS. SEVOLD: No, ma'am. When you're out of
6 service, or any customer is out of service for over 24
7 hours, that is an automatic to your account. We
8 automatically adjust your accounts for how many days
9 you were out of service.

10 CHAIRMAN BURG: Colleen, do you know, though,
11 that they're out of service without them calling you?

12 MS. SEVOLD: No. They need to call to get
13 repairs, but they would need to call to get the service
14 repaired.

15 CHAIRMAN BURG: Then if you don't have a
16 phone, it's extremely hard to call.

17 MS. SEVOLD: Right. But I think what the
18 customer is asking, do I need to call to get my
19 adjustment.

20 CHAIRMAN BURG: Right, I understand that. If
21 they've notified they're out of service, you will give
22 the adjustment. What I think the question of the
23 customer is do even if we were out of the service and
24 didn't call you, then we don't get credit; is that
25 correct.

1 MS. SEVOLD: Yeah, that would be true. We
2 need to know that they have been out of service.

3 CHAIRMAN BURG: Because some of these
4 problems seem to be intermittent, what they talked to
5 about, and before they call it may come back on but
6 they still may have been out of service. Would that be
7 correct, JoAnn?

8 MS. JOANN KLEIN: Yes. Sometimes somebody
9 else goes to a phone or some way and calls in for
10 credit and then if I know they're doing that I don't.

11 MS. SEVOLD: Okay. Then in those cases, yes,
12 we would need to know that you were out of service and
13 then we would automatically do you a service adjustment
14 after you had called in, but you would need to let us
15 know you were out of service.

16 COMMISSIONER NELSON: I guess I would move to
17 find probable cause because of the damages. And I
18 think that it might be an intermittent problem, but it
19 might not be fixed. There's evidence this week there
20 was another problem. So I move to find probable cause.

21 COMMISSIONER SCHOENFELDER: Is your motion
22 for both dockets, Commissioner Nelson?

23 COMMISSIONER NELSON: Yes.

24 COMMISSIONER SCHOENFELDER: I would second
25 those motions.

1 CHAIRMAN BURG: I'm going to concur. I was
2 hoping that probably we could avoid having everybody
3 come in on a probable cause if it had already been
4 fixed, but since we have request for damages, we have
5 to deal with that anyway. So I'm going to concur.
6 Thank you very much. We will let you know the next
7 step. We have found for your complaint, and we will
8 start the process now to hold a hearing as to make sure
9 it gets fixed, that it is fixed, and also to determine
10 what the damages should be.

11 MS. JOANN KLEIN: Thank you very much.

12 (THE HEARING CONCLUDED AT 2:46 P.M.)

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1 STATE OF SOUTH DAKOTA)
2 COUNTY OF HUGHES)

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4 I, Lori J. Grode, RMR, Notary Public, in and
5 for the State of South Dakota, do hereby certify that
6 the above hearing, pages 1 through 17, inclusive, was
7 recorded stenographically by me and reduced to
8 typewriting.

9 I FURTHER CERTIFY that the foregoing
10 transcript of the said hearing is a true and correct
11 transcript of the stenographic notes at the time and
12 place specified hereinbefore.

13 I FURTHER CERTIFY that I am not a relative or
14 employee or attorney or counsel of any of the parties,
15 nor a relative or employee of such attorney or counsel,
16 or financially interested directly or indirectly in
17 this action.

18 IN WITNESS WHEREOF, I have hereunto set my
19 hand and seal of office at Pierre, South Dakota, this
20 19th day of November 1998.

21

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Lori J. Grode, RMR, RPR

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