

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN THE MATTER OF THE
PUC AGENDA MEETING

HEARD BEFORE THE PUBLIC UTILITIES COMMISSION

PROCEEDINGS: December 30, 1998
 1:30 P.M.
 Room 412, Capitol Building
 Pierre, South Dakota

PUC COMMISSION: Jim Burg, Chairman
 Laska Schoenfelder, Commissioner
 Pam Nelson, Commissioner, (Present
 by Telephone)

COMMISSION STAFF
PRESENT: Rolayne Ailts Wiest
 Karen Cremer
 Camron Hoseck
 Harlan Best
 Bob Knadle
 Gregory A. Rislov
 Steve Wegman
 David Jacobson
 Leni Healy
 Terry Norum

Reported by: Lori J. Grode, RMR

ORIGINAL

1 approval of the minutes of the Commission meeting held
2 December 14th, 1998.

3 COMMISSIONER NELSON: I'd second it.

4 CHAIRMAN BURG: I'll concur.

5 Consumer affairs, the status report of
6 consumer utility inquiries and complaints recently
7 received by the Commission. Leni.

8 MS. HEALY: Thank you, Chairman. So far this
9 year the Commission has received 3,260 complaints. 110
10 of them have been since our last meeting. 91 of those
11 involve telecommunications where slamming and cramming
12 were the chief issues. There were 14 electricity
13 issues. Those were mostly disconnections and five
14 natural gas, again, disconnection being the issue
15 there. So far this year we've informally resolved
16 2,791 complaints.

17 CHAIRMAN BURG: Okay. Doesn't sound like she
18 needs any, but any questions for Leni or any comments?
19 If not, thank you for that report.

20 Item Number 5, TC98-210, in the matter of the
21 request for a ruling regarding toll limitation. Today,
22 shall the Commission apply the revised FCC rule
23 regarding toll limitation to existing ETC's?

24 Harlan, do you have any comments on that
25 one?

1 MS. WIEST: I can take it. Just a brief
2 explanation: The FCC had first found that an ETC must
3 offer both toll control and toll blocking. So in our
4 hearings last year the Commission granted one-year
5 waivers to all designated ETC's because they were
6 unable to provide toll control. But then in the Fourth
7 Order on Reconsideration the FCC revised its definition
8 of toll limitation and defined it as toll control or
9 toll blocking. Thus, unless a carrier is capable of
10 providing both toll blocking and control, it may offer
11 either toll blocking or toll control. If a carrier is
12 capable of providing both, then they must offer both.

13 Since the current ETC's -- and there was
14 testimony last year's hearing on this -- that they are
15 able to offer toll blocking, I believe that the
16 Commission should find that all current ETC's meet the
17 requirements of providing toll limitation services
18 pursuant to the FCC's Fourth Order and that waivers are
19 no longer needed.

20 CHAIRMAN BURG: Okay. Any other comments or
21 questions? You do need a motion; right?

22 MS. WIEST: Yes.

23 MR. BEST: Along with that, I'll move the
24 Commission find all current ETC's shall offer either
25 toll blocking or toll control. However, if a carrier

1 is capable of providing both toll blocking and toll
2 control, it must offer qualifying customers a choice
3 between the two. Since the Commission previously found
4 that all current ETC's are capable -- are able to offer
5 toll blocking, I move the Commission find that all
6 current ETC's meet the requirements of providing toll
7 limitation services pursuant to the FCC's Fourth Order
8 on Reconsideration and that a waiver is no longer
9 needed.

10 COMMISSIONER SCHOENFELDER: I'll second.

11 COMMISSIONER NELSON: Concur.

12 CHAIRMAN BURG: Okay. Motion passes.

13 Item number 7, TC98-212, in the matter of the
14 complaint filed by Margaret Figert, Mission, South
15 Dakota, against U S West Communications, Inc.,
16 regarding poor service and request to have lines
17 updated. Today, does the Commission find probable
18 cause of an unlawful or unreasonable act, rate,
19 practice, or omission to go forward with the complaint
20 and serve it upon the Respondents.

21 Is Miss Figert on? Are on the phone at all?

22 MR. HOSECK: Mr. Chairman.

23 CHAIRMAN BURG: Yes.

24 MR. HOSECK: Mr. Chairman, Members of the
25 Commission, Camron Hoseck on behalf of the staff. In

1 this matter there seems to be indicative of a systemic
2 problem down there in the Mission area. The prefix is
3 the same for the home number in this particular case
4 where there's a quality of service problem. It's my
5 understanding that the complainant was not available
6 today, but given the apparent facts in this matter that
7 the complaint arises out of the area where we have
8 three complaints presently, the Klein is the last name
9 of all the complainants in that particular case, staff
10 would recommend a finding of probable cause in this
11 particular case.

12 CHAIRMAN BURG: Colleen, do you have -- or
13 Todd Lundy have any comments?

14 MS. SEVOLD: Mr. Chairman, this is Colleen.
15 And, yes, this customer is on one of the same lines as
16 one of the Kleins, so I would agree that this should be
17 included with the other complaint.

18 CHAIRMAN BURG: Okay. Anything else from
19 anybody? If not, I will move that we do find probable
20 cause of TC98-212.

21 COMMISSIONER NELSON: I'd second it.

22 COMMISSIONER SCHOENFELDER: I'll concur.

23 CHAIRMAN BURG: Okay. That concludes
24 everything I had on my agenda. Anything else? If not,
25 thank you. That concludes the meeting.

(THE HEARING CONCLUDED AT 2:00 P.M.)

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1 STATE OF SOUTH DAKOTA)
2 COUNTY OF HUGHES)

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office at Pierre, South Dakota, this 31st day of December 1998.


Lori J. Grode, RMR, RPR