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THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

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IN THE MATTER OF THE COMPLAINT
OF TELE-TECH, INC. AND LONG LINE,
INC. OF SIOUX FALLS, SOUTH DAKOTA,
AGAINST US WEST COMMUNICATIONS,
INC. CONCERNING OVERCHARGES FOR
TELECOMMUNICATIONS SERVICES

CT99-006

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Transcript of Proceedings
June 22, 1999

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BEFORE THE PUBLIC UTILITIES COMMISSION,
JIM BURG, CHAIRMAN
LASKA SCHOENFELDER, COMMISSIONER
PAM NELSON, COMMISSIONER

COMMISSION STAFF
Rolayne Ailts Wiest
Karen Cremer
Jeff Koerselman
Camron Hoseck
Leni Healy
Shirleen Fugitt
Harlan Best
Keith Senger
Dave Jacobsen
Sue Cichos
Bob Knadle
Gregory A. Rislov
William Bullard Jr.

APPEARANCES
Richard D. Coit, SDITC
Kyle White, Black Hills Power & Light
Ev Hoyt, Black Hills Power & Light
John Nooney, Black Hills Power & Light
Jennifer Stalley, SDREA

Reported By Cheri McComsey Wittler, RPR



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CHAIRMAN BURG: CT99-006, in the
matter of the complaint of Tele-Tech, Inc. and
Long Line, Inc. of Sioux Falls, South Dakota
against US West Communications, Inc. concerning
overcharges for telecommunications services.

The question today is does the Commission find
probable cause of an unlawful or unreasonable act,
rate, practice or omission to go forward with this
complaint and serve it upon the Respondent?

And I would remind the participants that is
the only thing we're finding today is if there is
enough information, enough question for probable
cause. I am not going to really litigate the issue
because that will occur if we do find probable
cause.

Tele-Tech, do you want to take it first? And
give us a balance of your complaints.

MR. NOONEN: Thank you. My name is
Jerry Noonan. I'm president of Tele-Tech, which is
no longer or has ceased to do business as a
telecommunications company because it has merged
with Firstel and some related companies about a
year ago.

Basically the sum and substance of this
particular complaint is that back in '93 we were

APPEARANCES BY TELEPHONE
Michele Singer, AT&T
Mary Jane Rasher, AT&T
Neil Schmid, FirstTel
Colleen Sevold, US West
Alex Duarte, US West
Mary Lohnes, Midco Communications
Tom Simmons, Midco Communications
Don Johnston, City of Flandreau
Curt Dieren, City of Flandreau
Don Ball, MDU
Jo Froysted, Heartland Telecommunications of Iowa
Burnie Snoddy, Fibercomm
Jim McKenna, Fibercomm
Loretta Calabro, Telec Consulting

TRANSCRIPT OF PROCEEDINGS, held in the
above-entitled matter, at the South Dakota State
Capitol, Room 412, 500 East Capitol Avenue, Pierre,
South Dakota, on the 22nd day of June 1999,
commencing at 10:30 a.m.

advised by US West that SDN would no longer convert
basically our signals from -- we had a switch
which was called a DTMF signaling switch, and we
were advised by US West that we needed an MF
signaling switch in order to further provide
telecommunication services to our customers in the
State of South Dakota.

And we went through quite an elaborate
exhibit. I think if you've got the claim, we
provided US West an exhibit of what we needed to do
in order to convert our Feature Group A trunks
basically to B and D configurations, and in that
particular process we went ahead and acquired a
quarter of a million dollar switch in order to
provide MF signaling. And we did everything we
said we would do in our switch configuration. This
was forced upon us by US West, and we followed
through on the execution of that.

And after the fact when we proceeded to merge
with Firstel much to my chagrin I found out that
our Feature Group A lines were not upgraded to
Feature Group B and Feature Group D lines and they
continued to charge us a fixed rate for the
Feature Group A lines for a period of approximately
four years. And this, in my judgment, is just

1 unreasonable.
 2 We have documentation of ASRs showing where we
 3 followed our plan completely. We documented and
 4 asked them to upgrade but in the process of
 5 misinterpreting what appears the ASRs and failed to
 6 upgrade approximately 72 lines. And that's the
 7 substance of this particular claim for refund that
 8 I have asked and demanded upon US West through
 9 Darla Carter, our representative with US West in
 10 Salt Lake City.

11 They have acknowledged that they did not
 12 disconnect specific lines. 12 specific lines were
 13 even listed by numbers, and they failed to
 14 disconnect six of those and continued to charge on
 15 all the way through to the end of 1997 or '98, I
 16 believe it was, in addition to failing to upgrade
 17 some 72 Feature Group A lines.

18 And that's what I am asking to have US West or
 19 asking the Commission to consider to formally ask
 20 that US West honor our particular claim as an
 21 overcharge that is unreasonable, given the set of
 22 circumstances.

23 CHAIRMAN BURG: Did you guys suffer
 24 any losses other than the monetary losses you're
 25 requesting as far as service level qualities or any

1 MR. NOONEN: Well, they have sent me
 2 a check for 4,700 some odd dollars for the six
 3 specific lines that were listed on the ASR that
 4 they failed to disconnect. But they have actually
 5 denied the balance of it.

6 They really haven't given me a reason for that
 7 but indicate that that was all I was going to
 8 receive for the Feature Group A lines that were not
 9 upgraded.

10 CHAIRMAN BURG: Did they concede
 11 that it was an overpayment?

12 MR. NOONEN: They gave me a check
 13 for the specific six lines we specifically put on
 14 ASR by numbers and they conceded that they
 15 continued to charge us on that but they have not
 16 conceded that the approximately 72 lines over and
 17 above that -- which were to be upgraded to the B
 18 and D lines, which I have also paid for through the
 19 T1 charges. So they have denied that.

20 CHAIRMAN BURG: What's the reason
 21 for denial?

22 MR. NOONEN: Let's see. I believe I
 23 received a letter that I brought along. I received
 24 a letter from them along with the check indicating
 25 that that's all they were going -- it simply

1 of that?

2 MR. NOONEN: No. To the contrary.
 3 We went to a T1 service. The T1 service actually
 4 was superior. The B and D lines actually enhanced
 5 our business. So my only issue with them simply is
 6 that the As should have been upgraded and
 7 disconnected as part of the upgrade, and they
 8 should not have continued --

9 CHAIRMAN BURG: So you paid for the
 10 full T1 service, but you were also paying for A
 11 that you were not getting service for?

12 MR. NOONEN: Absolutely. For
 13 example, I brought along just -- this was my
 14 Feature Group A billings before the upgrade. And
 15 then after the upgrade they obviously, you know,
 16 went clear down to very little usage.

17 We did ask for seven lines to be continued,
 18 which was about nine hours worth of time in
 19 November and December of 1995. And after that it
 20 continued to drop down to 0, and all we
 21 were getting charged was the fixed rate for
 22 Feature Group A lines.

23 CHAIRMAN BURG: I presume you
 24 contacted US West before us for this recovery, and
 25 what has been your experience with that?

1 says -- the letter reads, "I have investigated your
 2 claim for refund for Tele-Tech and long lines for
 3 January 1994 through August of 1997."

4 It says, "We have found no ASRs for disconnect
 5 on," and they list the two bans, "except the
 6 following trunks which were to have been
 7 disconnected on 10-15 per copy of paper ASR."

8 It says, "Because six of the trunks were
 9 disconnected and six were not, we have agreed to
 10 adjust the amount of billing. The total amount
 11 applied is 4,996.32. If you have any questions,
 12 please call me."

13 So what they really did is simply only gave us
 14 a refund for the specific lines that were listed in
 15 the ASRs. They did not handle the issue of the
 16 upgrade and whether, in fact, an upgrade should
 17 have had disconnection of the Feature Group lines.

18 CHAIRMAN BURG: Was that with
 19 interest or not?

20 MR. NOONEN: No. That was not.

21 CHAIRMAN BURG: Any other questions
 22 for Jerry? If not, who's taking it for AT&T or --

23 MS. SEVOLD: This is Colleen Sevold
 24 for US West.

25 CHAIRMAN BURG: I'm sorry.

1 MS. SEVOLD: Mr. Chairman,
 2 Commissioners, we would recommend at this time it
 3 go to probable cause. This is an issue from back
 4 in 1993 and 1994.

5 We're pulling all of our documentation which
 6 are in archives and everything. So at this time we
 7 would just recommend it go to probable cause.

8 CHAIRMAN BURG: Okay. Any questions
 9 for US West? If not --

10 COMMISSIONER SCHOENFELDER:
 11 Mr. Chairman, I move that we find probable cause in
 12 CT99-006.

13 COMMISSIONER NELSON: I second.

14 CHAIRMAN BURG: I will concur.

15 Thanks. I guess we should ask if staff has any
 16 comments.

17 MS. HEALY: We'd recommend probable
 18 cause.

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 25

1 STATE OF SOUTH DAKOTA)
 2 :SS CERTIFICATE
 3 COUNTY OF HUGHES)
 4

5 I, CHERI MCCOMSEY WITTLER, Registered
 6 Professional Reporter and Notary Public in and for the
 7 State of South Dakota:

8 DO HEREBY CERTIFY that as the duly-appointed
 9 shorthand reporter, I took in shorthand the proceedings
 10 had in the above-entitled matter on the 22nd day of
 11 June 1999, and that the attached is a true and correct
 12 transcription of the proceedings so taken.

13 Dated at Pierre, South Dakota this 2nd day
 14 of July 1999.

15
 16

17 _____
 18 Cheri McComsey Wittler,
 19 Notary Public and
 20 Registered Professional Reporter

21
 22
 23
 24
 25

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STATE OF SOUTH DAKOTA)

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CERTIFICATE

COUNTY OF HUGHES)

I, CHERI MCCOMSEY WITTLER, Registered Professional Reporter and Notary Public in and for the State of South Dakota:

DO HEREBY CERTIFY that as the duly-appointed shorthand reporter, I took in shorthand the proceedings had in the above-entitled matter on the 22nd day of June 1999, and that the attached is a true and correct transcription of the proceedings so taken.

Dated at Pierre, South Dakota this 2nd day of July 1999.

Cheri McComsey Wittler
Cheri McComsey Wittler
Notary Public and
Registered Professional Reporter