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SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE COMPLAINT
FILED BY SHERYL L. KLEIN,
VALENTINE, NEBRASKA, AGAINST TC98-183
US WEST COMMUNICATIONS, INC.
REGARDING POOR SERVICE AND
REQUEST TO HAVE LINES UPDATED

IN THE MATTER OF THE COMPLAINT
FILED BY JOANN C. KLEIN,
VALENTINE, NEBRASKA, AGAINST TC98-184
US WEST COMMUNICATIONS, INC.
REGARDING POOR SERVICE AND
REQUEST TO HAVE LINES UPDATED

IN THE MATTER OF THE COMPLAINT
FILED BY LAWRENCE KLEIN,
VALENTINE, NEBRASKA, AGAINST TC98-199
US WEST COMMUNICATIONS, INC.
REGARDING POOR SERVICE AND
REQUEST TO HAVE LINES UPDATED

IN THE MATTER OF THE COMPLAINT
FILED BY MARGARET FIGERT,
MISSION, SOUTH DAKOTA, AGAINST TC98-212
US WEST COMMUNICATIONS, INC.
REGARDING POOR SERVICE AND
REQUEST TO HAVE LINES UPDATED

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Transcript of Proceedings
December 14, 1999

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

PRECISION REPORTING
L I M I T E D

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

APPEARANCE BY TELEPHONE
David Prazak, OtterTail Power
Neil Schmid, FirsTel
Mary Jane Rasher, AT&T
Rusty Molstad, NWPS
Alex Duarte, US West
Colleen Sevold, US West
Barb Berkenpas, DTG/McLeod USA
Paula Heeren, AT&T
Tom Hitchcock, NWPS
Rogena Harris, OLS
Ed Peters
Sam Kerr
Jerry Campbell, AT&T

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TRANSCRIPT OF PROCEEDINGS, held in the
above-entitled matter, at the South Dakota State
Capitol, Room 464, 500 East Capitol Avenue, Pierre,
South Dakota, on the 14th day of December 1999
at 9:30 a.m.

1 CHAIRMAN BURG: TC98-183 in the
2 matter of the complaint filed by Sheryl L. Klein,
3 Valentine, Nebraska against US West Communications,
4 Incorporated regarding poor service and request to
5 have lines updated. Today how shall the Commission
6 proceed?

7 Can we include all of these in one
8 discussion?

9 MS. AILTS WIEST: Yes.

10 CHAIRMAN BURG: Let's go through
11 98-183, 184, 199, 212. Okay. Those items all
12 concern -- do you have anything on the phone?

13 MR. HOSECK: Just a procedural
14 matter. 98-212 you should have received yesterday
15 a communication from her which I had asked also be
16 faxed to Tom Welk, representing US West, requesting
17 a continuance in her case because of further
18 service problems.

19 CHAIRMAN BURG: And I think on
20 that -- Mr. Peters, are you on to respond to this?

21 MR. PETERS: Yes, I am on. And I am
22 not aware of any communications from Mrs. Figert.

23 MS. SEVOLD: This is Colleen from
24 US West. Mr. Welk I believe is out of the office
25 so none of us have seen that communication. And

1 I'm not aware -- I checked her repair history
2 yesterday. There was nothing on it. So this must
3 be something new that none of us are aware of.

4 COMMISSIONER SCHOENFELDER: Colleen,
5 I think her letter says she did call -- she did
6 receive the return phone call from US West, Greg in
7 Omaha who suggested something about calling long
8 distance carriers because she had all circuits are
9 busy recordings and she was having trouble with
10 dial tone and this happened over the weekend.

11 MS. SEVOLD: Okay. It wasn't listed
12 on the report yesterday so we'll have to do some
13 investigating on that.

14 MR. PETERS: Am I to understand that
15 her problem was with making long distance calls?

16 COMMISSIONER SCHOENFELDER: It seems
17 to be what she's reported.

18 CHAIRMAN BURG: Right. It is. She
19 said, "I attempted several times to place a long
20 distance call from my residence," is part of what
21 she said.

22 MR. PETERS: Do we know who her long
23 distance carrier is?

24 COMMISSIONER NELSON: Touch One.

25 COMMISSIONER SCHOENFELDER: US West

1 and Touch One.

2 MR. PETERS: Okay. I can only
3 assume at this point since we haven't gotten any
4 additional information, we don't know of any local
5 problems. Certainly if she's getting all circuits
6 busy recording, that would seem to indicate a
7 problem more to getting to the long distance
8 carrier.

9 I don't think we have an objection to
10 continuing this until we know what the real issue
11 is. But with respect to the other complaints
12 that's associated with that area, we certainly
13 would want to move ahead with those.

14 CHAIRMAN BURG: What's staff's
15 recommendation on all except this one?

16 MR. HOSECK: Staff's recommendation
17 in all except this one was made at the hearing and
18 that was that fines be imposed in the Klein
19 matters. And in this one because of this
20 continuance request, their position is that we
21 grant it. In other words, we would concur in
22 Mr. Figert's request that a continuance be granted.

23 CHAIRMAN BURG: Do you have anything
24 to add, Rolayne?

25 MS. AILTS WIEST: No.

1 COMMISSIONER NELSON: I guess I
2 would move to leave the docket TC98-212 open.

3 CHAIRMAN BURG: Okay. I'll second
4 the motion that we keep -- I don't know if it needs
5 a motion. We just don't need to close the docket.

6 MS. AILTS WIEST: That's true.

7 CHAIRMAN BURG: I will move that we
8 close TC98-183, 184, and 199 and do not find a fine
9 in this case.

10 Dies for lack of a second. Any other action
11 on those three dockets?

12 COMMISSIONER NELSON: I guess since
13 it doesn't need a motion, I would move that we deny
14 the request for a fine and that we leave the
15 dockets open.

16 CHAIRMAN BURG: I'll second that.
17 Well, I don't know. I don't know why we keep them
18 open.

19 COMMISSIONER NELSON: I want to see
20 that come spring and moisture that these people
21 have no service -- I think that just the fact that
22 we leave them open applies the pressure to make
23 sure things work appropriately out there. I think
24 it's too soon to tell.

25

1 COMMISSIONER SCHOENFELDER:

2 Mr. Chairman, the only way I would agree to close
3 any of these dockets would be with conditions, but
4 the problem being South Dakota's weather this
5 year. I agree with Commissioner Nelson. We should
6 leave them open until we've had some rain, some
7 moisture. That's possibly been the problem in the
8 past.

9 They hurt no one by being open here. Then we
10 have a vehicle to move forward with recommendations
11 already in it, and US West understands what the
12 problems are. You know, if these phones don't work
13 after spring rains then -- if they do work after
14 spring rains, then I may be willing to close these
15 dockets with conditions.

16 CHAIRMAN BURG: Are you seconding
17 her motion then?

18 COMMISSIONER SCHOENFELDER: Yeah. I
19 think so. But I need them left open, in my
20 opinion, for now just to see if there's --

21 CHAIRMAN BURG: I will concur. My
22 preference is I think we could open a new one and I
23 hate to have dockets hanging around that long but I
24 will concur. In 98-183, 184, and 199 we will keep
25 those dockets open, even though there are not any

1 current complaints about the issue until we're
2 assured when there is moisture received, hopefully
3 we get some, they work swell at that time as they
4 do now. So we're actually leaving all the dockets
5 open at this point.

6 MR. PETERS: Can I ask if there has
7 been a stipulation as to how long these will be
8 left open before the Commission will close it if
9 there is no further report of trouble?

10 CHAIRMAN BURG: I don't believe
11 we're prepared to make a stipulation at this
12 point. We do actively monitor all open dockets.
13 So when we feel that the climatic conditions have
14 been such that those lines have been tested under
15 all conditions, we will reconsider it at that time
16 as to whether they worked adequately and if so,
17 close the docket then. I will guess it would be
18 into the spring sometime.

19 MR. PETERS: Thank you.

20 CHAIRMAN BURG: So we are leaving
21 all four of those dockets open.
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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 14th day of December 1999, and that the attached is a true and correct transcription of the proceedings so taken.

Dated at Pierre, South Dakota this 3rd day of January 2000.

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