

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE COMPLAINT FILED ) ORDER FOR AND NOTICE  
BY RANDY KIEFFER, STURGIS, SOUTH ) OF HEARING  
DAKOTA, AGAINST U S WEST )  
COMMUNICATIONS, INC. REGARDING ) TC98-176  
TELEPHONE SERVICE OUTAGES AND )  
INADEQUATE SERVICE )**

**IN THE MATTER OF THE COMPLAINT FILED )  
BY RANDY KIEFFER, STURGIS, SOUTH ) CT99-002  
DAKOTA, AGAINST U S WEST )  
COMMUNICATIONS, INC. REGARDING )  
SERVICE PROBLEMS )**

On March 19, 1999, the South Dakota Public Utilities Commission (Commission) received a complaint filed by Randy Kieffer, Sturgis, South Dakota (Complainant) against U S WEST Communications, Inc. (U S WEST). Complainant alleged that his service continues to be deficient, that he suffered several outages during the month of March, and that his phone service is not dependable for emergencies and family purposes.

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.

At its April 8, 1999, meeting, this matter was considered. Randy Kieffer was unable to participate in person or via telephone; however, he did submit a facsimile letter to the Commission in which he explained and amended his complaint. Commission Staff recommended a finding of probable cause due to unresolved factual issues. The Commission voted unanimously to find probable cause and to consolidate this matter with docket TC98-176, a case which is pending and involves the same parties. U S WEST filed its answer on May 5, 1999. A hearing in this matter was held on June 2, 1999. At its September 7, 2001, meeting, Mr. Kieffer stated that he was continuing to experience outages and requested another hearing.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-2, 49-13, including 49-13-1 through 49-13-27, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3 and ARSD 20:10:01:07.01 through 20:10:01:28, inclusive. The Commission may rely upon any or all of these or other laws of this state in making its determination.

A hearing shall be held on November 6, 2001, at 12:30 p.m. MST, in the Meeting Room, Sturgis Super 8 Motel, West of City, Sturgis, South Dakota. All persons testifying will be subject to cross-examination by the parties.

The issue at the hearing is whether U S WEST committed an unlawful or

unreasonable act, rate, practice or omission and whether U S WEST is liable for damages caused the complainant and, if so, in what amount.

The hearing is an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to attend and represent themselves or be represented by an attorney. However, such rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20.

The Commission, after examining the evidence and hearing testimony presented by the parties, shall make Findings of Fact, Conclusions of Law, and a Final Decision. As a result of the hearing, the Commission may determine whether U S WEST committed an unlawful or unreasonable act, rate, practice, or omission and may determine damages, fines or other remedies for service quality as provided by law. The Final Decision may be appealed by the parties to the Circuit Court and the South Dakota Supreme Court as provided by law. It is therefore

ORDERED, that a hearing shall be held on the complaints of Randy Kieffer as specified above.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 4th day of October, 2001.

<b>CERTIFICATE OF SERVICE</b>
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: _____
Date: _____
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

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JAMES A. BURG, Chairman

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PAM NELSON, Commissioner