

Consumer Complaint Orders - Issued 1999

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

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| IN THE MATTER OF THE COMPLAINT FILED BY TELE- TECH, INC. AND LONG LINE, INC., SIOUX FALLS, SOUTH DAKOTA, AGAINST U S WEST COMMUNICATIONS, INC. REGARDING OVERCHARGES FOR TELECOMMUNICATIONS SERVICES |))))))) | ORDER FOR AND NOTICE OF HEARING CT99-006 |
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On June 3, 1999, the Public Utilities Commission (Commission) received a complaint filed by Tele-Tech, Inc. and Long Line, Inc., Sioux Falls, South Dakota (Complainant), against U S West Communications, Inc. (U S WEST), regarding overbilling. Complainant describes a series of line updates and disconnections made in connection with its business. Complainant continues by outlining a series of overbillings it paid following the line work. Complainant requests that the Commission order U S WEST to repay the total amount of overpayment plus interest at the statutory rate of 10%.

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.

A regularly scheduled meeting of June 22, 1999, the Commission reviewed the Complainant's filing. Both Complainant and U S WEST were present. U S WEST recommended a finding of probable cause. Commission Staff concurred with U S WEST's position. The Commission voted unanimously to find probable cause. U S WEST filed its answer on July 22, 1999.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49- 13-1 through 49-13-14.1, inclusive, 49-31-3, 49-31-7, 49-31-7.1, and 49-31-11 and ARSD Chapter 20:10:33.

A hearing shall be held at 1:00 p.m., on November 1, 1999, in Room 412, State Capitol Building, 500 East Capitol, Pierre, South Dakota. The hearing is open to the public. All persons testifying shall be subject to cross-examination.

The issue at the hearing is whether U S WEST committed an unlawful or unreasonable act, rate, practice or omission in its provisioning and billing of service to the Complainant, and, if so, what remedy is appropriate.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These 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 the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of this hearing, the Commission shall determine whether U S WEST committed an unlawful or unreasonable act, rate, practice or omission in its provisioning and billing of service to the Complainant, and, if so, what remedy is appropriate. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that the hearing shall commence at 1:00 p.m., on November 1, 1999, in Room 412, State Capitol Building, 500 East Capitol, Pierre, South Dakota.

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 7th day of October, 1999.

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| CERTIFICATE OF SERVICE |
| 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: |
| _____ |
| JAMES A. BURG, Chairman |
| _____ |
| PAM NELSON, Commissioner |
| _____ |
| LASKA SCHOENFELDER, Commissioner |

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