

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FINDING)
BY FRED HOLPP, RAPID CITY, SOUTH)	PROBABLE CAUSE AND)
DAKOTA, AGAINST U S WEST)	NOTICE REQUIRING)
COMMUNICATIONS, INC. REGARDING)	ANSWER)
FAILURE TO PROVIDE SERVICE)	CT 99-020)

On July 29, 1999, the Public Utilities Commission (Commission) received a complaint filed by Fred Holpp, Rapid City, South Dakota (Complainant), against U S WEST Communications, Inc. (U S WEST) regarding failure to provide service. Complainant outlines a series of missed commitments by U S WEST for delivery of service to a new residential location.

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.

On September 21, 1999, at a duly noticed meeting, Complainant appeared by teleconference. Commission Staff recommended a finding of probable cause due to service quality issues. A representative of U S WEST acquiesced to a finding of probable cause.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, 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, 49-31-60, 49-31-61, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive and ARSD Chapter 20:10:33. Commission Chairman Jim Burg and Commissioner Laska Schoenfelder being present, voted unanimously to find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and that the complaint shall be forwarded to U S WEST and U S WEST shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 23rd day of September, 1999.

<p>CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u><i>William Keels</i></u></p> <p>Date: <u>9/23/99</u></p> <p align="center">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

James A. Burg
 JAMES A. BURG, Chairman

Laska Schoenfelder
 LASKA SCHOENFELDER, Commissioner