

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER CANCELLING
BY FRED HOLPP, RAPID CITY, SOUTH)	HEARING, DISMISSING
DAKOTA, AGAINST U S WEST)	COMPLAINT AND CLOSING
COMMUNICATIONS, INC. REGARDING)	DOCKET
FAILURE TO PROVIDE SERVICE)	CT99-020

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, the Commission reviewed the complaint. Commission Staff recommended that a finding of probable cause be made due to service quality issues. A representative of U S WEST acquiesced to a finding of probable cause and an order finding probable cause was issued on September 23, 1999. The Commission issued an Order for and Notice of Hearing dated October 7, 1999, which set the hearing for November 17, 1999. On October 27, 1999, Commission Staff was contacted by Complainant who informed the Staff that settlement had been reached in this matter and that he did not wish to proceed to hearing, so therefore the hearing is cancelled.

At a regularly scheduled meeting of the Commission on November 1, 1999, this matter was considered. Based upon the communication from the Complainant recited above, the Commission Staff recommended that the complaint be dismissed and the docket closed.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-13-1, 49-13-4, 49-13-13, 49-13-14.1, 49-31-3, 49-31-7, 49-31-7.1, 49-31-11, 49-31-60, 49-31-61, and ARSD 20:10:01:08.01, 20:10:01:09 and ARSD Chapter 20:10:33. The Commission voted unanimously to dismiss the complaint and close the docket. It is therefore

ORDERED, that the hearing scheduled for November 17, 1999, is cancelled; and it is further

ORDERED, that this complaint be dismissed and the docket be closed.

Dated at Pierre, South Dakota, this 4th day of November, 1999.

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: <u>Arlene Kalbs</u>
Date: <u>11/5/99</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner