

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER DISMISSING</b>
<b>BY RANDY KIEFFER, STURGIS, SOUTH )</b>	<b>COMPLAINT AND CLOSING</b>
<b>DAKOTA, AGAINST U S WEST )</b>	<b>DOCKET</b>
<b>COMMUNICATIONS, INC. REGARDING )</b>	
<b>SERVICE PROBLEMS )</b>	<b>CT99-002</b>

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. A hearing in this matter was held on November 6, 2001. On March 7, 2003, the Commission received an affidavit of Colleen Sevold and a motion to close the docket from Qwest.

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.

On May 6, 2003, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted to dismiss the complaint and close the docket. It is therefore

ORDERED, that the complaint shall be dismissed, without prejudice, and the docket closed.

Dated at Pierre, South Dakota, this 16<sup>th</sup> day of May, 2003.

**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:

Melvin Kalbo

Date:

5/19/03

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr

ROBERT K. SAHR, Chairman

Gary Hanson

GARY HANSON, Commissioner

James A. Burg

JAMES A. BURG, Commissioner