

Telecommunications Orders - Issued 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED BY)	ORDER DISMISSING COMPLAINT
DAVID L. ANDERSON, CANTON, SD, AGAINST U S)	AND CLOSING DOCKET
WEST COMMUNICATIONS, INC. REGARDING AN)	TC96-037
EASEMENT)	

On February 29, 1996, the Public Utilities Commission (Commission) received a complaint against U S WEST Communications, Inc. (U S WEST) filed by Mr. David L. Anderson, Canton, South Dakota (Anderson) alleging the use of his property by placing thereon a telephone line without previously having received an easement. Further, U S WEST collected monetary damages from Anderson as the result of damage done to the telephone line on his property when he was working in his garden area.

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 March 8, 1996, the Commission found probable cause of an unlawful or unreasonable act, rate, practice, or omission and ordered that U S WEST file an answer. An answer was filed and staff served data requests upon U S WEST. A compromise was reached between Anderson and U S WEST wherein U S WEST agreed to pay Anderson \$750 in damages and would further install a new, properly located line in the summer of 1996.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-13-1, 49-31-3, 49-31-7, and 49-31-7.1 and ARSD 20:10:01:08.01 and 20:10:01:09.

After considering the terms and conditions of the compromise and Staff's recommendation that the matter be considered settled and the docket closed, the Commission finds that approval of this settlement and dismissal of this docket is in the public interest. It is therefore

ORDERED that the settlement reached between Anderson and U S WEST is approved as in the public interest; and it is

FURTHER ORDERED that this docket be and is hereby closed.

Dated at Pierre, South Dakota, this 17th day of May, 1996.

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

BY ORDER OF THE COMMISSION:

KENNETH STOFFERAHN, Chairman

JAMES A. BURG, Commissioner

mail, in properly addressed
envelopes, with charges
prepaid thereon.

LASKA SCHOENFELDER, Commissioner

By: Delaine Kolbo
Date: May 17, 1996

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