

Telecommunications Orders - Issued 1997

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

**IN THE MATTER OF THE INVESTIGATION OF U S) AMENDED ORDER FOR AND
WEST COMMUNICATIONS, INC.'S SERVICE) NOTICE OF PROCEDURAL
QUALITY PERFORMANCE) SCHEDULE AND HEARING
)
) TC97-016**

On February 20, 1997, the Public Utilities Commission (Commission) opened this docket to review U S WEST's service quality performance pursuant to the Commission's Order Approving Stipulation and Addendum in Docket TC94-121. In that docket, the Commission approved a rate increase for residential and business basic local exchange service. The Commission further decided that a proposed second increase may be implemented at the end of 18 months from the first increase depending on U S WEST's service quality performance. The Commission directed the Commission staff to review U S WEST's service quality performance at the end of 12 months following the effective date of the increase. The Commission set an intervention deadline of March 7, 1997, for this docket.

On February 25, 1997, MCI Telecommunications Corporation (MCI) filed a Petition to Intervene, and on March 4, 1997, AT&T Communications of the Midwest, Inc. (AT&T) filed a Petition to Intervene.

By Order dated April 28, 1997, the Commission granted both Petitions to Intervene.

The procedural schedule for testimony and a hearing on this matter shall be as follows:

DATE	PROCEDURAL SCHEDULE
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May 16, 1997 U S WEST's prefiled testimony due

June 6, 1997 Staff and intervenor prefiled testimony due

June 12-13, 1997 Hearing commencing at 9:00 A.M. on June 12 1997, and continuing through June 13, 1997, in Room 423 of the State Capitol Building, Pierre, South Dakota

The Commission has jurisdiction in this matter pursuant to SDCL Chapter 1-26, 49- 13 and 49-31. The

Commission may rely upon any or all of these or other laws of this state in making its determination.

The issue is whether based upon the Commission's investigation of U S WEST's service quality performance from February 12, 1996, to February 11, 1997, a second rate increase, scheduled to be implemented at the end of 18 months from the first increase, may be implemented (in whole or in part), delayed or rejected.

The hearing is an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to attend and represent themselves or be represented by an attorney. However, such 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 testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20.

The Commission, after examining the evidence and hearing testimony presented by the parties, shall make Findings of Fact, Conclusions of Law, and a Final Decision. As a result of the hearing the Commission may implement (in whole or in part), delay, or reject the second increase pursuant to its decision in TC94-121. The Final Decision made by the Commission may be appealed by the parties to the Circuit Court and the South Dakota Supreme Court as provided by law. It is therefore

ORDERED that the procedural schedule specified above shall be followed by all parties; it is

FURTHER ORDERED that a hearing shall be held at the time and place specified above.

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 20th day of May, 1997.

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:

Commissioners Burg, Nelson and
Schoenfelder

WILLIAM BULLARD, JR.

Executive Director

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