

## Telecommunications Orders - Issued 1997

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

<b>IN THE MATTER OF THE INVESTIGATION OF U S WEST COMMUNICATIONS, INC. SERVICE QUALITY PERFORMANCE</b>	)	<b>ORDER FOR AND NOTICE OF HEARING; NOTICE OF CONSIDERATION OF EX PARTE COMMUNICATION</b>
<b>IN THE MATTER OF THE FILING BY U S WEST COMMUNICATIONS, INC. FOR REVISIONS TO ITS EXCHANGE AND NETWORK SERVICES TARIFF AND EXCHANGE AND NETWORK SERVICES CATALOG</b>	)	<b>TC97-016</b>  <b>TC97-049</b>

On February 20, 1997, the Public Utilities Commission (Commission) opened docket TC97- 016 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. MCI Telecommunications Corporation (MCI) and AT&T Communications of the Midwest, Inc. (AT&T) filed timely Petitions to Intervene. By Order dated April 28, 1997, the Commission granted both Petitions to Intervene.

On April 30, 1997, the Commission received a filing by U S WEST that reflects the second phase of increase which is docket TC97-049. On June 3, 1997, at a duly noticed meeting, the Commission decided to consolidate dockets TC97-016 and TC97-049.

On May 20, 1997, the Commission issued its Amended Order and Notice of Procedural Schedule and Hearing in docket TC97-016 scheduling a hearing for June 12-13, 1997. The hearing was commenced as scheduled. The Commission continued the hearing so that the parties and the Commission could identify any outstanding issues once the June 12, 1997, transcript became available. The procedure established by the Commission permitted U S WEST to draft a list of the issues and witnesses it believed were relevant to complete the hearing based upon concerns and questions raised by the Commission during the June 12, 1997, hearing. On July 1, 1997, U S WEST filed a letter setting forth its additional witnesses and the issues to be addressed by those witnesses.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 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.

The Commission finds that the letter dated June 30, 1997, as submitted by U S WEST identifying additional witnesses and issues should be adopted and these matters shall be heard at the hearing.

PLEASE TAKE NOTICE that pursuant to SDCL 1-26-26, the Commission hereby gives notice that the attached Quality of Service Data, marked as Exhibit A, has been received by the Commission. It may be considered by the Commission in these proceedings commencing on July 16, 1997, in LCR-1, State Capitol Building, Pierre, SD, beginning at 8:30 a.m. All parties shall have an opportunity to participate and present witnesses relative to the attachment.

It is therefore

ORDERED that all parties shall be afforded the opportunity to participate in the consideration of Exhibit A by the Commission as provided by SDCL 1-26-26; and it is

FURTHER ORDERED that a hearing shall commence on July 16, 1997, in LCR-1, State Capitol Building, Pierre, SD, beginning at 8:30 a.m.; and it is

FURTHER ORDERED, that the letter dated June 30, 1997, as submitted by U S WEST identifying additional witnesses and issues shall be adopted. The letter is hereby incorporated by reference.

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 7th day of July, 1997.

**CERTIFICATE OF SERVICE**

BY ORDER OF THE  
COMMISSION:

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.

Commissioners Burg, Nelson and  
Schoenfelder

By: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

WILLIAM BULLARD, JR.

(OFFICIAL SEAL)

Executive Director

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