

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

<b>IN THE MATTER OF U S WEST</b>	)	<b>MOTION AND NOTICE OF</b>
<b>COMMUNICATIONS, INC. AND ITS ABILITY TO</b>	)	<b>MOTION TO AMEND ORDER</b>
<b>SERVE SOUTH DAKOTA CUSTOMERS</b>	)	<b>TO SHOW CAUSE</b>
	)	<b>TC97-192</b>

Comes now the staff of the Public Utilities Commission and moves the Commission to amend this Order to Show Cause as follows:

1. That paragraph numbered 4 at the top of page 7 be amended and that at the end of the first line, that the reference to "paragraph 2, above," be amended to read "paragraph 3, above." The purpose of this paragraph 4 was to give notice to U S WEST that should it fail to follow any order that may be issued by the Commission pursuant to SDCL 49-31-38.2, the matter could be referred to the Attorney General of the State of South Dakota or that individual officers and employees could be fined pursuant to SDCL 49-31-38. The reference to "paragraph 2" in the original Petition was a typographical error which has obviously been transposed into this document. For purposes of notifying U S WEST of all possible remedies which may be levied in as accurate a manner as possible, the Order to Show Cause should be amended.
2. References to prefiled testimony which is to be filed by Commission staff in the first full paragraph on page 7 and the ordering paragraph on page 7 state that prefiled testimony "shall" be filed with the Commission on or before March 18, 1998. It is respectfully brought to the Commission's attention that no intervention was permitted in this case nor does staff propose formal intervention. Commission staff, in order to give the Commission the opportunity to hear complaints of consumers and taxpayers in this state, may call certain of those people to testify as members of the general public or as other interested parties. It is impractical to assume the Commission staff will have each and every member of the public who may be called to testify file prefiled testimony. Commission staff has no objection to filing prefiled testimony for staff witnesses, consultants or investigators that it may call, however, it does object to imposing this burden upon the public in general and other interested parties which may appear before the Commission in these proceedings. Therefore, it is requested that the language be amended to reflect that Commission staff "may" file prefiled testimony on or before March 18, 1998, and that the order be so amended.

Dated at Pierre, South Dakota, this 29<sup>th</sup> day of January, 1998.

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#### NOTICE OF MOTION

PLEASE TAKE NOTICE that the above Motion and Notice of Motion to Amend Order to Show Cause will be brought on for hearing before the Public Utilities Commissioners, in Room 430, State Capitol, Pierre, South Dakota, on Tuesday, February 3, 1998, at 10:00 a.m.

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#### CERTIFICATE OF SERVICE

I hereby certify that copies of the Motion and Notice of Motion to Amend Order to Show Cause were served on the following by mailing the same to them by United States Post Office First Class Mail, postage thereon prepaid, at the address shown below on this the 29<sup>th</sup> day of January, 1998.

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