

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER CLOSING DOCKET
BY MRS. CLIFFORD (JOANN) KLEIN,)	
VALENTINE, NEBRASKA, AGAINST U S WEST)	TC98-184
COMMUNICATIONS, INC. REGARDING POOR)	
SERVICE AND A REQUEST TO HAVE LINES)	
UPDATED)	

On October 8, 1998, the Public Utilities Commission (Commission) received a complaint filed by Mrs. Clifford (JoAnn) Klein, Valentine, Nebraska (Complainant), against U S WEST Communications, Inc. (U S WEST) regarding poor service. Complainant outlines a series of service outages, repair difficulties, outdated service, phantom calls, and staffing issues. Complainant also requested adjustment to her U S WEST bill for services not used and long distances calls not made by her.

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 November 3, 1998, at a duly noticed meeting, the Commission considered this matter. The Commission voted unanimously to find probable cause. U S WEST filed its answer on November 30, 1998.

The hearing was held on February 3, 1999, beginning at 1:30 P.M., at Cherry-Todd Electric Cooperative, West Highway 18, Mission, South Dakota. The Commission also heard the complaints filed against U S WEST in dockets TC98-183, TC98-199, and TC98-212, since those complaints concern the same general area as this complaint. At the hearing, U S WEST stated that it would do testing and any necessary repairs and report to the Commission. U S WEST filed updates on April 2, 1999 and May 7, 1999. In its April 2, 1999, update, U S WEST reported that it needed to replace part of the buried cable and stated it would take around 90 days to get the cable, make the replacements, and test the system.

At its May 12, 1999, meeting, the Commission unanimously voted to require U S WEST to complete its repairs and testing by June 8, 1999. On June 4, 1999, the Commission received a Motion to Extend Deadline from U S WEST. U S WEST requested that an extension be granted until July 30, 1999, for the completion of all cable work and testing of all carrier systems on the route. At its June 8, 1999, meeting, the Commission considered how to proceed. After listening to comments from the parties, the Commission voted to grant the extension until July 30, 1999. The Commission further voted that if U S WEST fails to meet the July 30, 1999, deadline, the Commission shall issue a show cause order as to why U S WEST should not be fined \$1000.00 per day for each day the work remains uncompleted after July 30, 1999. The Commission also voted to hold another hearing after July 30, 1999, to take additional testimony as to the Complainant's quality of service.

The Commission again considered this matter at its August 17, 1999, regularly scheduled meeting. A report was given by both U S WEST and complainants who noted that service problems still exist.

A hearing was held as scheduled on November 4, 1999, beginning at 1:30 P.M., at Cherry-Todd Electric Cooperative, West Highway 18, Mission, South Dakota. At the hearing, the Complainant stated that she had experienced some problems when she attempted to call the Lawrence Klein residence but that essentially her service had been good. U S WEST witness, Ed Peters, stated that according to testing completed prior to July 30, 1999, the services in the area met U S WEST's service quality standards.

At its December 14, 1999, meeting, the Commission considered this matter. The Commission declined to close this docket. The Commission noted that due to the dry fall, the docket should be kept open to determine whether additional problems would arise after it rained or snowed. The Commission voted to keep the docket open.

At its February 21, 2001, meeting, this matter was on the Commission's agenda for an update, however, it was deferred at that time. Complainant has now reported to Commission Staff that she is satisfied with her service and wished to have the docket closed.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-2, 49-13, including 49-13-1 through 49-13-14, 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, 49-31-60, 49-31-61, and ARSD Chapter 20:10:33.

At its October 10, 2001, meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted to close the docket. It is therefore

ORDERED, that the docket shall be closed.

Dated at Pierre, South Dakota, this 18th day of October, 2001.

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:	<u><i>Alaine Kalbs</i></u>
Date:	<u>10/19/01</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner