

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

IN THE MATTER OF THE COMPLAINT)	ORDER FOR AND NOTICE OF
FILED BY LORETTA SPEAR, HILL CITY,)	HEARING
SOUTH DAKOTA, AGAINST U S WEST)	
COMMUNICATIONS, INC. REGARDING)	TC98-155
TELEPHONE SERVICE OUTAGES AND)	
INADEQUATE SERVICE)	

On September 3, 1998, the Public Utilities Commission (Commission) received a complaint filed by Loretta Spear, Hill City, South Dakota, against U S WEST Communications, Inc. (U S WEST). Ms. Spear stated, "In retrospect our telephone problems began in the spring of this year (1998). Starting with noisy lines (static) and later followed by temporary interruptions in service lasting anywhere from a few minutes to a couple of hours. These were not reported to repair service as the service would come back on. During this time the volume on the callers voice would fluctuate. Several times the telephone would ring and when I answered, it would be a dead line. Approximately 4 weeks ago the line went dead for a day and I called repair service, By the time the repair man came the phone had started to work again. He did work on the service but stated the equipment is old. A week later the phone went dead again. (Friday, the day before the strike started) I called repair service again. This time supervisory personnel came out on a Sunday and worked on the line. I also advised him that our caller ID service which we had just purchased was not working. He stated we did not have that service as the equipment was old and not available to us. He also stated that the equipment upgrade was on the books but not enough money to do the work now. Perhaps next year. When calling to cancel Caller ID the customer service office said that we should have that service available to us, but would cancel our order and issue credit. I checked with repair service once again and was told by electronic voice that we might expect to have service by September 5. That will be 3 weeks without telephone service." Ms. Spears is requesting that credit be given for Caller ID and 3 weeks without telephone service. She is also requesting resolution to updating telephone service in the area.

On October 20, 1998, at its duly noticed meeting, the Commission reviewed the complaint. The Commission voted unanimously to find probable cause and served the complaint on U S WEST. U S WEST filed its Answer to Complaint on November 16, 1998.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 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 through 49-31-68, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive. The Commission may rely upon any or all of these or other laws of this state in making its determination.

A hearing shall be held on December 15, 1998, beginning at 1:30 o'clock P.M., in Room 3rd Floor East, Rapid City Area School Administrative Offices, 300 6th Street, Rapid

City, South Dakota. All persons so testifying will be subject to cross-examination by the parties. The order of the proceeding will be in the following sequence: (1) Complainant; (2) U S WEST; and (3) Staff.

The issue at the hearing is whether U S WEST committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These 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 the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission shall determine whether U S WEST committed an unlawful or unreasonable act, rate, practice, or omission and, if so, order any appropriate relief. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED that a hearing shall be held at the time and place specified above on the issue of whether U S WEST committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

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 December, 1998.

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>Alaine Kalbo</u>
Date:	<u>12/7/98</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:
Commissioners Burg, Nelson and
Schoenfelder

William Bullard, Jr.
WILLIAM BULLARD, JR.
Executive Director