

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

IN THE MATTER OF THE COMPLAINT)	ORDER FOR AND NOTICE OF
FILED BY RANDY KIEFFER, STURGIS,)	HEARING
SOUTH DAKOTA, AGAINST U S WEST)	
REGARDING SERVICE PROBLEMS)	TC98-176

On September 21, 1998, the Public Utilities Commission (Commission) received a Complaint from Randy Kieffer, Sturgis, South Dakota (Complainant), against U S WEST Communications, Inc. (U S WEST), alleging telephone service problems, slow response by U S WEST and inconvenience suffered as a result of these problems. Complainant seeks monetary damages and other remedial action from the Commission.

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 October 15, 1998, at its duly noticed ad hoc meeting, the Commission reviewed the complaint. The Commission voted unanimously to find probable cause.

TAKE NOTICE that a hearing in this matter will be held on December 15, 1998, at 9:00 o'clock A.M., in Room 3rd Floor East, Rapid City Area School Administrative Offices, 300 6th Street, Rapid City, South Dakota.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-27, 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 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.

The issue at the hearing is whether U S WEST committed an unlawful or unreasonable act, rate, practice or omission and whether U S WEST is liable for damages caused the complainant and, if so, in what amount.

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 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 determine whether U S WEST committed an unlawful or unreasonable act, rate, practice, or omission and may determine damages, fines or other remedies for service quality as provided by law. The Final Decision 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 a hearing shall be held on the complaint of Randy Kieffer as 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 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>Helaine Kaebe</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