

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FINDING
BY DON AND JENNY MALSOM, MINA, SOUTH)	PROBABLE CAUSE
DAKOTA, AGAINST U S WEST)	
COMMUNICATIONS, INC. REGARDING)	TC98-124
UPDATING LINES)	

On June 29, 1998, the Public Utilities Commission (Commission) received a complaint filed by Don and Jenny Malsom, Mina, South Dakota, against U S WEST Communications, Inc. (U S WEST). The complainants state that their problems go back at least 10 years. The sheriff's office receives 911 calls from their location when none were dialed, noise on the line is reported to U S WEST and when the repairman checks the line it is okay, Caller ID does not work, and calls cannot get through to them. The complainants requested the following relief: "We are told we need new telephone lines - our equipment is too outdated - we request modern equipment like all other areas."

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 July 23, 1998, at a duly noticed meeting, Colleen Sevold, a representative of U S WEST stated that the problem area that the Malsoms complained of was scheduled to be updated by the end of the 1998 construction season.

The Commission finds that it has jurisdiction over 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 voted unanimously to find probable cause. However, since U S WEST has stated that the facilities that serve the Malsoms will be updated this year, the Commission will defer any action on the complaint until October 31, 1998. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission. The Commission does not require U S WEST to file its answer in this matter at this time.

Dated at Pierre, South Dakota, this 5th day of August, 1998.

<p>CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u>Melaine Kelso</u></p> <p>Date: <u>8/6/98</u></p> <p align="center">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner