

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FINDING
BY LOWN HOUSE RESTAURANT,)	PROBABLE CAUSE AND
SPEARFISH, SOUTH DAKOTA, AGAINST)	NOTICE REQUIRING
AT&T COMMUNICATIONS OF THE MIDWEST,)	ANSWER
INC. AND FIRSHEL, INC. REGARDING)	
CUSTOMER SERVICE ISSUES)	TC98-149

On August 27, 1998, the Public Utilities Commission (Commission) received a complaint filed by Lown House Restaurant, Spearfish, South Dakota (Complainant), against AT&T Communications of the Midwest, Inc. (AT&T) and FirsTel, Inc (FirsTel). Complainant alleges a variety of customer service issues against AT&T and FirsTel. The Complainant is requesting that it be reimbursed for its business losses in the \$8,000 to \$9,000 range.

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 September 23, 1998, the Commission considered this matter. It was deferred so that the parties could submit additional information. On October 15, 1998, at a duly noticed meeting, the Commission again heard from the parties. Commission Staff recommended a finding of probable cause.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-13-1, 49-13-4, 49-13-13, 49-13-14.1, 49-31-3, 49-31-7, 49-31-7.1, 49-31-11, 49-31-60 through 49-31-68, inclusive, and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission voted unanimously to find probable cause. 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 and that the complaint shall be forwarded to AT&T and FirsTel and AT&T and FirsTel shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 26th day of October, 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>Delaine Kalbo</u></p> <p>Date: <u>10/27/98</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