

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

IN THE MATTER OF THE COMPLAINT)	ORDER DISMISSING
FILED BY RANDY KIEFFER, STURGIS,)	COMPLAINT AND CLOSING
SOUTH DAKOTA, AGAINST U S WEST)	DOCKET
COMMUNICATIONS, INC. REGARDING)	
TELEPHONE SERVICE OUTAGES AND)	TC98-176
INADEQUATE SERVICE)	

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.

A hearing in this matter was held on December 15, 1998. Another hearing was held on June 2, 1999. At its September 7, 2001, meeting, Mr. Kieffer stated that he was continuing to experience outages and requested another hearing. A hearing was held on November 6, 2001. On March 7, 2003, the Commission received an affidavit of Colleen Sevold and a motion to close the docket from Qwest.

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.

On May 6, 2003, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted to dismiss the complaint and close the docket. It is therefore

ORDERED, that the complaint shall be dismissed, without prejudice, and the docket closed.

Dated at Pierre, South Dakota, this 16th day of May, 2003.

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: *Arlene Kalbo*

Date: *5/19/03*

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner