



TC97-139
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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Gemini Companies, Inc.

GCI PAYPHONES
Roger Specht, General Manager
3818 S. Western Ave., #202
Sioux Falls, SD 57103

Telephone (605) 335-6762

Fax (605) 335-1018

July 24, 1997

Mr. William Bullard, Executive Director
Public Utilities Commission
State Capitol Building
Pierre, SD 57501-5070

Dear Mr. Bullard:

Enclosed is our Complaint form regarding the rates US West charges for Basic Public Access Lines in the state of South Dakota.

I am sending you a copy of the complaint by fax today and mailing the original. I will be in Pierre on Monday, July 28th for a hearing and I would appreciate the opportunity to discuss this complaint with you or a member of your staff.

Sincerely,

Roger Specht

Enclosure

Affiliated with Gerlach Communications, Inc.
Member, Sioux Falls Chamber of Commerce
Member, American Public Communications Council

2. 1. 2. 4. 4. 5. 3.

NEXT

DOCUMENT (S)

DISREGARD

BACKGROUND

PLEASE TYPE OR PRINT CLEARLY

TC 97-139
RECEIVEDBEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

JUL 28 1997

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

COMPLAINT

Complainant(s): (The party filing the complaint)		Respondent(s): (The person or Company complained against)	
Name	Gemini Companies, Inc.	Contact Person	
Address	813 E. 61st St.	Company	US West Communications
City, State, Zip	Sioux Falls, SD 57108	Address	1801 Calif. St. #510
Work Phone	605-335-6762	City, State, Zip	Denver, CO 80202
Home Phone	605-335-6992	Work Phone	
Cellular Phone		Cellular Phone	
Fax	605-335-1018	Fax	

If the Complainant is represented by an attorney, please list the attorney's name, address, telephone number, and fax number below:
If Complainant is not represented by an attorney, please leave blank: (303)759-1621 fax 303-759-1675

Greg Ludvigsen, 3801 E. Florida, #400, Denver, CO 80210

The facts giving rise to my complaint:

Gemini Companies, Inc. is responsible for the payment of phone bills for Basic Public Access Lines to pay telephones located in South Dakota, North Dakota, Minnesota, and Iowa. These lines are provided by US West in all of the above-mentioned states and by eight other companies in South Dakota. The eight other phone companies, and US West in the other states, sell service to payphone providers on a flat-rated basis. In South Dakota, US West requires the use of a metered, or message-based rate in areas where their equipment allows them to measure service. The effect of this requirement is that our average monthly US West phone bills in South Dakota are \$10 to \$14 higher than our US West monthly phone bills in the other states and \$22 per month higher than our monthly average of phone bills from the eight other South Dakota companies. In each case the service received is identical: basic dial tone with certain screening and blocking features.

NOTE: Please attach additional pages, if necessary, to explain your complaint. Also attach copies of any bills or other documents.

RESOLUTION REQUEST

I ask that the Public Utilities Commission grant the following relief. (What do you think the Commission should do to solve this problem?)

The tariff for Basic Public Access lines contains a flat-rate option
which is reasonable and comparable to the price in other states/from
other companies. We ask that the Commission mandate the use of the
flat rate and eliminate the measured-service required rate.

NOTE: Please attach any additional pages, if necessary.

VERIFICATION

Signature must be witnessed by a notary public.

Roger Sprecht
 Complainant's Signature

7/24/97
 Date

State of South Dakota

County of Minnehaha

On this 24th day of July, 1997, before me
 personally came and appeared Roger Sprecht
 known to me to be the individual described herein and who executed the foregoing instrument, and who duly acknowledged to me
 that he/she executed same for its purpose therein contained.

BY WITNESS MY HAND, I have seen on my hand and official seal.



Tare McCann
 Signature of Notary Public

My Comm. Expires 9-29-03

(SEAL)

South Dakota
Public Utilities Commission
State Capitol 500 E. Capitol
Pierre, SD 57501-5070
Phone: (800) 332-1782
Fax: (605) 773-3809

TELECOMMUNICATIONS SERVICE FILINGS

These are the telecommunications service filings that the Commission has received for the period of:

08/01/97 through 08/07/97

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Detaine Kolbo within five days of this filing.

DOCKET NUMBER	TITLE/STAFF/SYNOPSIS	DATE FILED	INTERVENTION DEADLINE
REQUEST FOR CERTIFICATE OF AUTHORITY			
TC97-136	Application by ComTel Computer Corp. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/TZ) "ComTel proposes to offer long distance voice telecommunications services ... such as 1+ direct dial calling, switched in-bound toll free service, travel card, debit card services and directory assistance."	08/01/97	08/22/97
TC97-137	Application by Micro-Comm, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/KC) Micro-Comm proposes to offer "telecommunications services to subscribers for direct voice and data communications..." Micro-Comm will offer 1+ WATS, calling card, and debit card services.	08/01/97	08/22/97
TC97-138	Application by KCI Long Distance, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/KC) "KCI seeks authority to provide WATS, 800, travel card and debit card services. KCI does not intend to provide 900 or 700 services."	08/01/97	08/22/97
FORMAL COMPLAINT FILED			
TC97-138	Gemini Companies, Inc. vs U S WEST Communications. Gemini purchases Basic Public Access Lines from U S WEST and eight other local exchange companies in South Dakota. "U S WEST requires the use of metered, or message-based rate in areas where their equipment allows them to measure service. The effect of this requirement is that our average monthly U S WEST phone bills in South Dakota are \$10 to \$14 higher than our U S WEST monthly phone bills in the other states and \$22 per month higher than our monthly average of phone bills from the eight other South Dakota companies. In each case the service received is identical: basic dial tone with certain screening and blocking features. [Gemini] asks that the Commission mandate the use of the flat rate and eliminate the measured-service required rate." (Staff: DJ/CH)	07/28/97	NA

Important Notice: The Commission is compiling a list of internet addresses. If you have an internet address please notify the Commission by E-mailing it to Terry Norum at: terryn@pucc.state.sd.us Faxing the address to the Commission at: 605-773-3809

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED)
BY GEMINI COMPANIES, INC., SIOUX FALLS,)
SD, AGAINST U S WEST COMMUNICATIONS,)
INC. REGARDING THE COST OF BASIC)
PUBLIC ACCESS LINES)

ORDER FINDING NO
PROBABLE CAUSE

TC97-139

On July 28, 1997, the South Dakota Public Utilities Commission (Commission) received a complaint from Gemini Companies, Inc. (Gemini) against U S WEST Communications, Inc. (U S WEST) regarding the cost of basic public access lines. Gemini requested that the Commission mandate the use of a flat rate and eliminate the measured service rate. Gemini alleged that the effect of U S WEST's measured rate is to cause higher bills for Gemini in South Dakota as compared to surrounding states. At its regularly scheduled meeting of September 9, 1997, the Commission deferred action on this matter.

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 25, 1997, at its duly noticed meeting, the Commission reviewed the complaint, as well as comments from Gemini and staff.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 49-13 and 49-31 and ARSD 20:10:01:08.01 and 20:10:01:09. In Docket TC97-006, the Commission did not mandate the use of a flat rate for U S WEST's Smart Public Access Lines. Consistent with that decision, the Commission voted unanimously to find no probable cause. It is therefore

ORDERED, that there is no probable cause of an unlawful or unreasonable act, rate, practice, or omission.

Dated at Pierre, South Dakota, this 3rd day of October, 1997.

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

Date

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner