

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

<b>IN THE MATTER OF THE COMPLAINT FILED</b>	)	<b>ORDER FINDING</b>
<b>BY RANDY KIEFFER, STURGIS, SOUTH</b>	)	<b>PROBABLE CAUSE AND</b>
<b>DAKOTA, AGAINST U S WEST</b>	)	<b>NOTICE REQUIRING</b>
<b>COMMUNICATIONS, INC. REGARDING</b>	)	<b>ANSWER</b>
<b>SERVICE PROBLEMS</b>	)	<b>AND CONSOLIDATING</b>
	)	<b>DOCKETS</b>
	)	<b>CT99-002</b>

On March 19, 1999, the South Dakota Public Utilities Commission (Commission) received a complaint filed by Randy Kieffer, Sturgis, South Dakota (Complainant) against U S WEST Communications, Inc. (U S WEST). Complainant alleged that his service continues to be deficient, that he suffered several outages during the month of March, and that his phone service is not dependable for emergencies and family purposes.

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.

At its April 8, 1999, meeting, this matter was considered. Randy Kieffer was unable to participate in person or via telephone; however, he did submit a facsimile letter to the Commission in which he explained and amended his complaint. Commission Staff recommended a finding of probable cause due to unresolved factual issues.

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 and to consolidate this matter with docket TC98-176, a case which is pending and involves the same parties. As a further condition of this finding and consolidation, Complainant will be provided an opportunity for a hearing on issues raised by this complaint. 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 U S WEST and U S WEST shall file with the Commission its answer in writing within twenty (20) days of service of this order, and it is further

ORDERED, that this docket shall be consolidated with docket TC98-176, and that Complainant shall be afforded an opportunity for a hearing on this complaint.

Dated at Pierre, South Dakota, this 14<sup>th</sup> day of April, 1999.

<p><b>CERTIFICATE OF SERVICE</b></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><i>Delaine Kelso</i></u></p> <p>Date: <u>4/15/99</u></p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

*James A. Burg*  
 JAMES A. BURG, Chairman

*Pam Nelson*  
 PAM NELSON, Commissioner

*Laska Schoenfelder*  
 LASKA SCHOENFELDER, Commissioner