

**Consumer Complaint Orders - Issued 1999**

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

|  |   |                  |
|--|---|------------------|
| <b>IN THE MATTER OF THE COMPLAINT FILED BY NANCY</b> | ) | <b>ORDER</b>     |
| <b>MANNING AND ELIZABETH FREDERICK, RAPID CITY,</b>  | ) | <b>FINDING</b>   |
| <b>SOUTH DAKOTA, AGAINST U S WEST</b>                | ) | <b>PROBABLE</b>  |
| <b>COMMUNICATIONS, INC. AND MCLEODUSA</b>            | ) | <b>CAUSE AND</b> |
| <b>TELECOMMUNICATIONS SERVICES, INC. REGARDING</b>   | ) | <b>NOTICE</b>    |
| <b>THE INABILITY TO PROVIDE SERVICE</b>              | ) | <b>REQUIRING</b> |
|  | ) | <b>ANSWER</b>    |

**CT99-005**

On May 27, 1999, the Public Utilities Commission (Commission) received a complaint from Nancy Manning and Elizabeth Frederick, Rapid City, South Dakota (Complainants), against U S WEST Communications, Inc. (U S WEST) and McLeodUSA Telecommunications Services, Inc. (McLeod) regarding the inability to provide service. Complainants outlined the problems they are having establishing new service. Complainants are asking for immediate phone service, reimbursement for expenses, reimbursement for loss of business, an independent contractor allowed to enter U S WEST, and an explanation.

Pursuant to ARSD 20:10:01:08.1 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 June 1, 1999, at an ad hoc meeting, Complainants, a representative from U S WEST and a representative from McLeod appeared before the Commission. Unresolved factual issues arose following statements from each party.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1- 26, 49-2, 49-13, and 49-31, specifically 49-13-1 through 49-13-14.1, inclusive, 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, and 49-31-38.3, and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission voted 2-0 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 U S WEST and McLeod. U S WEST and McLeod shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 22nd day of June, 1999.

**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, Chairman

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PAM NELSON, Commissioner

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