

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

IN THE MATTER OF THE COMPLAINT FILED) BY JUDY RAKER, RAPID CITY, SOUTH) DAKOTA, AGAINST U S WEST) COMMUNICATIONS, INC. REGARDING) DELAYED SERVICE)	ORDER FINDING PROBABLE CAUSE AND NOTICE REQUIRING ANSWER CT99-026
---	---

On August 5, 1999, the Public Utilities Commission (Commission) received a complaint filed by Judy Raker, Rapid City, South Dakota (Complainant), against U S WEST Communications, Inc. (U S WEST). The Complainant requested service to their new home and trucking business in a new development the first part of June 1999. They were promised service on July 14, 1999. The Complainant did not receive service on that date and was not notified by U S WEST until she contacted the company. Several commitments for service have been missed. As a result, the Complainant rented office space in Rapid City to run the trucking business. Complete phone service to the office space in Rapid City has also been delayed. The Complainant is seeking damages to compensate for the rented office space in Rapid City, installation costs for the line to the Rapid City office, and related expenses for delay and "total lack of concern for a small South Dakota business."

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 August 17, 1999, at a duly noticed meeting, the Complainant presented her position to the Commission. U S WEST stated that this was a new development with no facilities and that facilities should be in place by the end of September.

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, 49-31-61, 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 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.

Dated at Pierre, South Dakota, this 26th day of August, 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: <u>Delaine Kachs</u>
Date: <u>8/30/99</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner