

The deferred matter came before the Commission at its regularly scheduled July 29, 1999, meeting for decision, during which it was determined that:

1. The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-13, 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, 49-31-60, 49-31-85, and 49-31-98, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive, and 20:10:33:02, 20:10:33:03, 20:10:33:15, 20:10:33:16, and 20:10:33:25.
2. The telephone services provided by U S WEST to the Complainant, at all times relevant hereto, are not comparable to services being provided to certain other U S WEST subscribers residing in her immediate neighborhood.
3. The telephone services provided by U S WEST to the Complainant, at all times relevant hereto, were delivered through an analog carrier system, whereas certain other U S WEST subscribers in her neighborhood are served through a system capable of delivering digital services.
4. The analog system does not allow U S WEST to provide services to the Complainant at levels comparable to certain neighbors, and in the absence of an upgrade to digital delivery, the Complainant will continue to sustain service discrimination.
5. The manner, time, cost and resources required to provide digital delivery or to otherwise upgrade telecommunications services to the Complainant are unknown.

ACCORDINGLY, it is therefore

ORDERED, that U S WEST provide the Complainant a telecommunications plant capable of furnishing digital services at an acceptable internet speed; and it is

FURTHER ORDERED, that U S WEST develop a plan identifying the manner, time, cost, and resources required to provide digital telecommunications delivery to the Complainant. The plan shall specify an internet speed. The plan shall be submitted to the Commission within 90 days from receipt of this order and shall be subject to Commission approval. The plan shall include a cost-recovery schedule.

Dated at Pierre, South Dakota, this 17th day of August, 1999.

<p style="text-align: center;">CERTIFICATE OF SERVICE</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: _____</p> <p>Date: _____</p> <p style="text-align: center;">(OFFICIAL SEAL)</p>	<p>BY ORDER OF THE COMMISSION:</p> <p style="text-align: center;">_____ JAMES A. BURG, Chairman</p> <p style="text-align: center;">_____ PAM NELSON, Commissioner</p> <p style="text-align: center;">_____ LASKA SCHOENFELDER, Commissioner</p>
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