

Telecommunications Orders - Issued 1999

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

IN THE MATTER OF THE COMPLAINT FILED BY MARGARET FIGERT, MISSION, SOUTH DAKOTA, AGAINST U S WEST COMMUNICATIONS, INC. REGARDING POOR SERVICE AND A REQUEST TO HAVE LINES UPDATED)))))))	ORDER KEEPING DOCKET OPEN TC98-212
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On December 11, 1998, the Public Utilities Commission (Commission) received a complaint filed by Margaret Figert, Mission, South Dakota (Complainant), against U S WEST Communications, Inc. (U S WEST), regarding poor service. Complainant outlines a series of frequent service outages, unreliable service, and poor quality of service. Complainant requests an upgrade in service or that the exchange be sold to Golden West Telecommunications Cooperative, Inc.

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 December 30, 1998, at a duly noticed meeting, the Commission considered this matter. The Commission voted unanimously to find probable cause. U S WEST filed its answer on January 22, 1999.

The hearing was held on February 3, 1999, beginning at 1:30 P.M., at Cherry-Todd Electric Cooperative, West Highway 18, Mission, South Dakota. The Commission also heard the complaints filed against U S WEST in dockets TC98-183, TC98-184, and TC98-199, since those complaints concern the same general area as this complaint. At the hearing, U S WEST stated that it would do testing and any necessary repairs and report to the Commission. U S WEST filed updates on April 2, 1999 and May 7, 1999. In its April 2, 1999, update, U S WEST reported that it needed to replace part of the buried cable and stated it would take around 90 days to get the cable, make the replacements, and test the system.

A May 12, 1999, meeting, the Commission unanimously voted to require U S WEST to complete its repairs and testing by June 8, 1999. On June 4, 1999, the Commission received a Motion to Extend Deadline from U S WEST. U S WEST requested that an extension be granted until July 30, 1999, for the completion of all cable work and testing of all carrier systems on the route. A June 8, 1999, meeting, the Commission considered how to proceed. After listening to comments from the parties, the Commission voted to grant the extension until July 30, 1999. The Commission further voted that if U S WEST fails to meet the July 30, 1999, deadline, the Commission shall issue a show cause order as to why U S WEST should not be fined \$1000.00 per day for each day the work remains uncompleted after July 30, 1999. The Commission also voted to hold another hearing after July 30, 1999, to take additional testimony as to the Complainant's quality of service.

The Commission again considered this matter a August 17, 1999, regularly scheduled meeting. A report was given by both U S WEST and complainants who noted that service problems still exist. The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-2, 49-13, including 49-13-1 through 49-13-14, inclusive, 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, 49-31-61, and ARSD Chapter 20:10:33.

A hearing was held as scheduled on November 4, 1999, beginning at 1:30 P.M., at Cherry- Todd Electric Cooperative, West Highway 18, Mission, South Dakota. At the hearing, the Complainant stated that her service had been good since July 30, 1999. U S WEST witness, Ed Peters, stated that according to testing completed prior to July 30, 1999, the services in the area met U S WEST's service quality standards.

On December 13, 1999, the Commission received a letter from the Complainant stating that on December 10 and December 11, she had experienced problems when attempting to place a long distance call from her telephone. She requested that since the weather has been dry she has "no way of knowing if my phone service will be interrupted whenever we receive moisture, as has happened in the past." She suggested that her case should be continued.

A December 14, 1999, meeting, the Commission considered this matter. The Commission declined to close this docket. The Commission noted that due to the dry fall, the docket should be kept open to determine whether additional problems would arise after it rained or snowed. It is therefore

ORDERED, that this docket shall remain open.

Dated at Pierre, South Dakota, this 21st day of December, 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	

PAM NELSON, Commissioner	

LASKA SCHOENFELDER, Commissioner	

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