

TCDD-074



"We've Got People Talking."

RECEIVED

APR 21 2000

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

April 18, 2000

**Mr. William Bullard Jr., Director**  
**Public Utilities Commission**  
**500 East Capitol Building**  
**Pierre, South Dakota 57501**

**RE: Revised Service Territory-City of Brookings Telephone dba Swiftel Communications**

Dear Mr. Bullard:

Enclosed please find a revised franchised service territory map reflecting the new telephone service territory as a result of annexation. Also enclosed is a copy of the City of Brookings Resolutions No. 15-00, No. 53-99, and No. 64-97 annexing the property being claimed by Brookings Telephone.

We are asking the Public Utilities Commission (PUC) to accept the revised boundary map which includes the previously mentioned annexed areas the City of Brookings Telephone wishes to include in its exclusive franchise territory. We make this request based upon previous Public Utilities Commission action in Docket No. F-3555 and in the resulting decision by the PUC on January 2, 1987. In addition, we rely on SDCL 49-31-21 in making this request.

If you have any questions regarding this matter, please feel free to contact me directly at (605) 697-8230.

Sincerely,



**W. James Adkins**  
**Manager Swiftel Communications**

WJA:ct

Enclosure(s)

Cc: Richard Helsper/Glover, Helsper & Rasmussen PC  
Mr. Jerry Heiberger, ITC

*The large map  
is in the docket  
Martens office*

RESOLUTION NO. 15-00

WHEREAS, the City of Brookings is authorized pursuant to South Dakota Codified Law 9-4-1 to annex contiguous territory upon receipt of a written petition describing said territory sought to be annexed, by the owner or owners of not less than three-fourths (3/4) of the value of said territory, and

WHEREAS, the City of Brookings desires to annex the following described property, to-wit:

The South East Quarter (SE1/4) of the North East Quarter (NE1/4) of Section 34-T110N-R50W

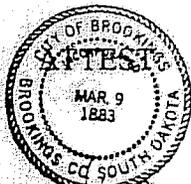
WHEREAS, the aforesaid land is contiguous to the present boundaries of the City of Brookings, and

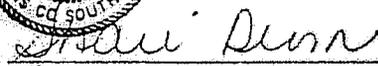
WHEREAS, the City of Brookings has received a Petition for Annexation of territory signed by the owners of greater than three-fourths (3/4) of the value of the aforesaid property and three-fourths (3/4) of the legal registered voters residing in said territory,

NOW, THEREFORE, BE IT RESOLVED, by the City of Brookings, South Dakota, that the property described above is hereby annexed to the City of Brookings.

Passed and approved this 13<sup>th</sup> day of March, 2000.

  
Mayor



  
City Clerk

WHEREAS, the City of Brookings is authorized pursuant to South Dakota Codified Law 9-4-1 to annex contiguous territory upon receipt of a written petition, describing said territory sought to be annexed, by the owner or owners of not less than three-fourths (3/4) of the value of said territory, and

WHEREAS, the City of Brookings desires to annex the following described property, to-wit:

Outlot 5 in the SE 1/4 of Section 15-T 110N, R50W all in the County of Brookings, South Dakota.

WHEREAS, the aforesaid land is contiguous to the present boundaries of the City of Brookings, and

WHEREAS, the City of Brookings has received a Petition for Annexation of territory signed by the owners of greater than three-fourths (3/4) of the value of the aforesaid property and three-fourths (3/4) of the legal-registered voters residing in said territory.

NOW, THEREFORE, BE IT RESOLVED by the City of Brookings, South Dakota, that the property described above is hereby annexed to the City of Brookings.

Passed and approved this 8<sup>th</sup> day of June, 1999.

  
\_\_\_\_\_  
Mayor



  
\_\_\_\_\_  
Finance Officer

RESOLUTION NO. 64-97

WHEREAS, the City of Brookings is authorized pursuant to South Dakota codified Law 7-4-1 to annex contiguous territory upon receipt of a written petition, describing said territory sought to be annexed, signed by not less than three-fourths (3/4) of the legal voters and by the owner or owners of not less than three-fourths (3/4) of the value of said territory, and

WHEREAS, the City of Brookings desires to annex the following described property, to wit:

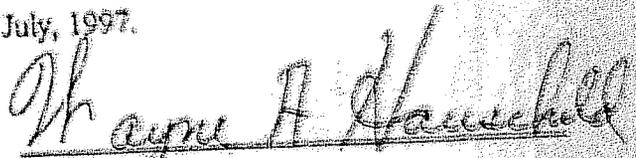
Blocks 4, 5 and 6, Freeland Addition in the SE 1/4 of Section 18-T110N-R49W

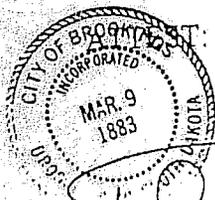
WHEREAS, the aforesaid land is contiguous to the present boundaries of the City of Brookings, and

WHEREAS, the City of Brookings has received a Petition for Annexation of Territory signed by the owners of greater than three-fourths (3/4) of the value of the aforesaid property and by all legal voters residing in said territory,

BE IT RESOLVED by the City of Brookings, South Dakota, that the property described above is hereby annexed to the City of Brookings.

Passed and approved this 8th day of July, 1997.

  
Mayor



  
Finance Officer

I more original  
please

**South Dakota Public Utilities Commission**  
**WEEKLY FILINGS**  
For the Period of April 20, 2000 through April 26, 2000

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact  
Delaine Kolbo within five business days of this filing.  
Phone: 605-773-3705 Fax: 605-773-3809

**CONSUMER COMPLAINTS**

**CE00-001 In the Matter of the Complaint filed by B. J. Pease, et al., Similarly Situated Consumers, Aberdeen, South Dakota, against NorthWestern Public Service Company Regarding Multiple Billing Issues.**

The complainant alleges multiple issues regarding the NorthWestern Public Service Company billings and billing practices for electric service. The complainant requests numerous remedies to include: compensation from NorthWestern Public Service Company, for the Public Utilities Commission to assess fines against NWPS for its practices and other corrective measures to address the issues.

Staff Analyst: Charlene Lund  
Staff Attorney: Karen Cremer  
Date Docketed: 04/25/00  
Intervention Date: NA

**CT00-062 In the Matter of the Complaint filed by Margery Jensen, Yankton, South Dakota, against OLS, Inc. Regarding Unauthorized Switching of Services.**

The Complainant alleges that she received a telemarketing call concerning OLS services and refused the offer. The switch was made without authorization. For a resolution the Complainant requests reimbursement for all charges, plus compensation for time and stress.

Staff Analyst: Leni Healy  
Staff Attorney: Karen Cremer  
Date Docketed: 04/20/00  
Intervention Deadline: NA

**CT00-063 In the Matter of the Complaint filed by Tim and Kay Troolen, White, South Dakota, against HBS Billing Services and Business Options, Inc. Regarding Unauthorized Switching of Services and Unauthorized Billing for Services.**

The complainants allege they received a phone bill in March, 2000, with long distance charges from HBS Billing Services from December 1, 1999 to January 15, 2000. The complainants did not recognize HBS Billing Services and report that neither authorized a change in telephone service. The complainants request that HBS Billing Services be penalized to the full extent of the law for the unlawful change in long distance services. The complainants request that the PUC force HBS Billing Services to fully reimburse them with a billing refund and the \$1000.00 compensation.

Staff Analyst: Charlene Lund  
Staff Attorney: Camron Hoseck  
Date Docketed: 04/20/00  
Intervention Deadline: NA

**CT00-064** In the Matter of the Complaint filed by Steve Paulson, Business Manager, Yankton Janitorial Supply, Yankton, South Dakota, against U S Republic Communications, Inc. Regarding Unauthorized Switching of Long Distance Carrier.

The complainant, Steve Paulson, Business Manager for Yankton Janitorial Supply alleges that he noticed the phone service had been switched on the 1/25/00 phone bill. He identified charges from OANC and U S Republic Communications. The complainant states that the only person authorized to switch providers is the business owner, Dixie Church. Ms. Church confirmed that she did not authorize a switch in long distance services. The complainant requests that the PUC talk to U S Republic and get them off of their phone bill and have U S Republic pay for the \$50.56 phone charges and other fines the state laws deem

Staff Analyst: Charlene Lund  
Staff Attorney: Camron Hoseck  
Date Docketed: 04/20/00  
Intervention Deadline: NA

**CT00-065** In the Matter of the Complaint filed by Vesta Jensen, Brookings, South Dakota, against Global Crossing Telecommunications, Inc., formerly Adnet Communication Services, Inc. d/b/a Frontier Communications Services and Teltrust Communications Services, Inc. d/b/a Teltrust and d/b/a TCS Regarding Unauthorized Switching of Services.

The Complainant states that her out-of-state long distance service was switched without authorization on February 24, 2000. She requests that "the Public Utilities Commission should enforce the stiffest fines and penalties to stop the long distance phone companies from changing anyone's service without permission."

Staff Analyst: Leni Healy  
Staff Attorney: Camron Hoseck  
Date Docketed: 04/25/00  
Intervention Deadline: NA

**CT00-066** In the Matter of the Complaint filed by Wheeler and Gloria Gill, Townhouse Bakery, Canton, South Dakota, against Long Distance Services, CEO Telecommunications, Inc., Business Options, Inc. and Home Owners Long Distance, Inc. Regarding Unauthorized Switching of Services and Unauthorized Billing for Services.

The complainants allege that the long distance service to their business was switched by CEO Telecom/ LD Service, Long Distance Service and Business Options, Inc./Home Owners Long Distance without their authorization. The complainants request that the identified companies be prosecuted to the full extent of the South Dakota law.

Staff Analyst: Charlene Lund  
Staff Attorney: Camron Hoseck  
Date Docketed: 04/25/00  
Intervention Date: NA

**CT00-067 In the Matter of the Complaint filed by Shelly Slagle, Yankton, South Dakota, against OLS, Inc. Regarding Switching Telecommunications Services Through Deceptive Practices.**

The Complainant alleges that through a deceptive telemarketing call, her long distance service was switched. The Complainant did not receive the rates or plan as outlined by the telemarketer. The Complainant is seeking the maximum fines as compensation.

Staff Analyst: Leni Healy  
Staff Attorney: Karen Cremer  
Date Docketed: 04/25/00  
Intervention Deadline: NA

**ELECTRIC**

**EL00-012 In the Matter of the Filing by MidAmerican Energy Company for Approval of Tariff Revisions.**

MidAmerican Energy Company is proposing to add a provision to the Electric Tariff Rules and Regulations. The new provision is for diversion of electric service.

Staff Analyst: Keith Senger  
Staff Attorney: Karen Cremer  
Date Docketed: 04/25/00  
Intervention Deadline: N/A

**GAS AND ELECTRIC**

**GE00-002 In the Matter of the Filing by the Dunham Company for a Master Metering Variance Request for the River Centre Office Building, Sioux Falls, South Dakota.**

The Dunham Company has filed a request for a variance from Administrative Rules of South Dakota (ARSD) 20:10:26:04(6) for the Proposed River Centre Office Building in Sioux Falls, South Dakota. The proposal includes one electric and gas meter serving the first four floors with four or five additional gas and electric submeters for the condominium units on the fifth floor.

Staff Analyst: Michele Farris, Martin Bettman  
Staff Attorney: Camron Hoseck  
Date Docketed: 04/24/00  
Intervention Deadline: 05/12/00

## TELECOMMUNICATIONS

**TC00-074 In the Matter of the Filing by City of Brookings Telephone Company d/b/a Swiftel Communications for Approval of its Revised Service Territory as a Result of Annexation.**

As a result of a recent annexation to the City of Brookings, the Commission received a filing from the City of Brookings Telephone d/b/a Swiftel Communications for approval to include property recently annexed in its exclusive franchise territory. The service territory change includes the South East Quarter of the North East Quarter of Section 34, T110N, R50W, Quarter 5 in the South East Quarter of Section 15, T110N, R50W all in the County of Brookings, South Dakota, and Blocks 4,5, and 6, Freeland Addition in the South East Quarter of Section 18, T110N, R49W. The request is made pursuant to SDCL 49-31-21.

Staff Analyst: Michele Farris  
Staff Attorney: Karen Cremer  
Date Docketed: 04/21/00  
Intervention Deadline: 05/12/00

**TC00-075 In the Matter of the Application of Advanced TelCom Group, Inc. for a Certificate of Authority to Provide Telecommunications Services, Including Local Exchange Services, in South Dakota.**

Advanced TelCom Group, Inc. submitted an application on April 25 to provide residential and facilities-based local exchange and interexchange telecommunications services in South Dakota. The applicant intends to market its services to primarily small to mid-sized businesses and residential customers.

Staff Analyst: Heather Forney  
Staff Attorney: Camron Hoseck  
Date Docketed: 04/25/00  
Intervention Deadline: 05/12/00

You may receive this listing and other PUC publications via our website or via internet e-mail.  
You may subscribe or unsubscribe to the PUC mailing lists at <http://www.state.sd.us/puc/>



Interstate Telecommunications Cooperative, Inc.  
3124th Street West  
P. O. Box 920  
Clear Lake, South Dakota 57226-0920

Phone: 605-874-2181  
Fax: 605-874-2044  
Web: <http://www.itc-ack.com>

TC00-074

May 24, 2000

**RECEIVED**

MAY 25 2000

Ms. Michelle Farris  
Public Utilities Commission  
500 East Capitol Avenue  
Pierre, South Dakota 57501

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

RE: Brookings Telephone dba Switfel Communications request for approval of boundary changes.

Dear Ms. Farris:

Per your request, please consider this letter as Interstate Telecommunications Cooperative Inc. concurrence with the revised franchised service territory map that reflects the new telephone service territory as a result of their annexation. These annexations are a result of the Resolution No. 15-00, No. 53-99, and No. 64-97.

If you have any questions or comments, feel free to call me at (605) 874-8300.

Sincerely,

Dean E. Anderson  
General Manager

CC: Mr. W. James Adkins

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

IN THE MATTER OF THE FILING BY CITY OF ) BROOKINGS TELEPHONE COMPANY D/B/A ) SWIFTEL COMMUNICATIONS FOR APPROVAL ) OF ITS REVISED SERVICE TERRITORY AS A ) RESULT OF ANNEXATION )	)	ORDER APPROVING REVISED SERVICE TERRITORY AS A RESULT OF ANNEXATION TC00-074
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On April 21, 2000, the Public Utilities Commission (Commission) received a filing by the City of Brookings Telephone Company d/b/a SwifTel Communications (SwifTel) to revise its franchise service territory map to reflect the new telephone service territory resulting from an annexation by the City of Brookings. The annexation described in Brookings City Resolution Nos. 15-00, 53-99, and 64-97 are as follows:

Resolution No. 15-00  
the South East Quarter (SE1/4) of the North East Quarter (NE 1/4) of Section 34-T110N-R50W.

Resolution No. 53-99  
Outlot 5 in the SE1/4 of Section 15-T110N-R50W all in the County of Brookings, South Dakota.

Resolution No. 64-97  
Blocks 4, 5, and 6, Freeland Addition in the SE1/4 of Section 18-T110N-R49W.

On May 25, 2000, the Commission received a letter from Interstate Telecommunications Cooperative, Inc., stating it concurred with the revised service territory map.

The Commission has jurisdiction in this matter pursuant to SDCL Chapter 49-31. No parties filed to intervene or comment by May 12, 2000. Upon review of the application to change the boundary to reflect areas annexed to the City of Brookings as described above, the Commission concludes that the proposed boundary change is in the public interest and should be approved. As the Commission's final decision in this matter, it is therefore

ORDERED, that the revised service territory shall be approved.

Dated at Pierre, South Dakota, this 25<sup>th</sup> day of June, 2000.

**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: Melanie Kalbo

Date: 6/29/00

(OFFICIAL SEAL)

**BY ORDER OF THE COMMISSION**

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner

Laska Schoenfelder  
LASKA SCHOENFELDER, Commissioner