

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

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| IN THE MATTER OF THE COMPLAINT FILED BY ROGER L. HALL, RAPID CITY, SOUTH DAKOTA, AGAINST QWEST CORPORATION REGARDING THE COST OF TELEPHONE LINE EXTENSIONS |) | ORDER DENYING QWEST'S OBJECTION TO PRODUCTUON; ORDER GRANTING IN PART AND DENYING IN PART MOTION TO COMPEL; ORDER REQUIRING FILING OF MAP CT08-002 |
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On April 14, 2008, the Public Utilities Commission (Commission) received a complaint filed by Roger L. Hall, Rapid City, South Dakota (Complainant), against Qwest Corporation (Qwest) regarding the cost of telephone line extensions.

On April 17, 2008, the complaint was electronically transmitted to Qwest. Pursuant to ARSD 20:10:01:09, Qwest was notified that it must satisfy the complaint or file an answer in writing with the Commission by May 5, 2008. On May 5, 2008, the Commission received an Answer and Motion to Dismiss from Qwest. On June 24, 2008, the Commission received Roger L. Hall's Response to Qwest Corporation's Motion to Dismiss. On June 24, 2008, at a regularly scheduled meeting, the Commission determined that the complaint did not fail to state a claim upon which relief could be granted and unanimously voted to deny the Motion to Dismiss. On November 10, 2008, the Commission issued an Order Setting Procedural Schedule. On January 21, 2009, the Commission received a Motion to Adjust Procedural Schedule from Qwest. On January 27, 2009, at a regularly scheduled meeting, the Commission unanimously voted to grant the Motion to Adjust Procedural Schedule and rescheduled the date of hearing pre-hearing motions to February 24, 2009. On February 3, 2009, the Commission received a Motion for Summary Disposition of Complaint from Qwest. On February 23, 2009, the Commission received Roger L. Hall's Motion to Compel and Hall's Response to Qwest's Motion for Disposition. On February 24, 2009, at a regularly scheduled meeting, the Commission unanimously voted to deny the Motion for Summary Disposition of Complaint.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 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, 49-31-7.3, 49-31-7.4, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3 and ARSD Chapters 20:10:01.

On March 10, 2009, at a regularly scheduled meeting, the Commission considered Roger L. Hall's Motion to Compel and Qwest's objection based on timeliness. The Commission voted to deny Qwest's objection based on timeliness, finding that due to the hearing having been scheduled for May 2009, no party was prejudiced by the timing of the discovery requests (Steve Kolbeck, dissenting). The Commission ruled as follows on Complainant's Motion to Compel:

- For Interrogatory 1, the Commission voted unanimously to deny the motion.
- For Interrogatory 2, the Complainant did not pursue this interrogatory.
- For Interrogatory 3, the Commission voted unanimously to deny the motion.
- For Interrogatory 4, the Complainant did not pursue this interrogatory.
- For Interrogatory 5, the Commission voted unanimously to deny the motion.
- For Interrogatory 6, the Complainant did not pursue this interrogatory.
- For Interrogatory 7, the Complainant did not pursue this interrogatory.

For Interrogatory 8, the Commission voted unanimously to deny the motion.
For Interrogatory 9, the Commission voted unanimously to deny the motion.
For Interrogatories 10 and 11, the Commission voted unanimously to deny the motion.
For Interrogatory 12, the Commission voted unanimously to grant the motion.
For Interrogatory 13, the Complainant did not pursue this interrogatory.
For Interrogatory 14, the Complainant did not pursue this interrogatory.
For Interrogatory 15, the Complainant did not pursue this interrogatory.
For Interrogatory 16, the Complainant did not pursue this interrogatory.
For Interrogatory 17, the Commission voted unanimously to deny the motion.
For Interrogatory 18, the Complainant did not pursue this interrogatory.
For Interrogatory 19, the Complainant did not pursue this interrogatory.
For Interrogatory 20, the Commission voted unanimously to deny the motion.
For Interrogatory 21, the Commission voted unanimously to grant the motion.
For Interrogatory 22, the Complainant did not pursue this interrogatory.
For Interrogatory 23, the Complainant did not pursue this interrogatory.
For Interrogatory 24, the Commission voted to deny the motion (Dustin M. Johnson, dissenting).

A discussion was held regarding the map that was provided by Qwest in this matter. The Commission voted unanimously to require the parties to prefile any maps they intend to use during the hearing three days prior to the hearing. It is therefore

ORDERED, that Qwest's objection to production based on timeliness is hereby denied; and it is further

ORDERED, that the Motion to Compel is hereby granted in part and denied in part; and it is further

ORDERED, that the parties shall prefile any maps they intend to use during the hearing three days prior to the hearing.

Dated at Pierre, South Dakota, this 18th day of March, 2009.

| CERTIFICATE OF SERVICE | |
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| 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, electronically. | |
| By: | <u>Melaine Kasbo</u> |
| Date: | <u>3/18/09</u> |
| (OFFICIAL SEAL) | |

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman
Dissenting in part

Steve Kolbeck
STEVE KOLBECK, Commissioner
Dissenting in part

Gary Hanson
GARY HANSON, Commissioner