

Telecommunications Orders - Issued 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED BY)	ORDER DISMISSING COMPLAINT
COCA-COLA BOTTLING COMPANY AGAINST U S WEST)	AND CLOSING DOCKET
COMMUNICATIONS, INC. FOR LOSS OF SERVICE)	TC95-055

On June 21, 1995, the South Dakota Public Utilities Commission (Commission) received a complaint from Coca-Cola Bottling Co. (Coca-Cola) against U S WEST Communications, Inc. (USWC) for damages resulting from a telecommunications service outage occurring on or about May 17, 1995. Coca-Cola estimates losses resulting from the service outage to be \$2,500. A regularly scheduled meeting of July 13, 1995, the Commission heard from both parties and found probable cause of an unlawful or unreasonable act, rate, practice, or omission, and subsequently ordered USWC to answer the complaint. Commissioner Schoenfelder excused herself, therefore State Treasurer Vern Larson was appointed as Acting Commissioner. Pursuant to the Commission's Order, USWC filed its answer with the Commission on August 10, 1995. As the parties were unable to informally resolve the matter complained of, the Commission scheduled a hearing in this matter for October 17, 1995. On October 12, 1995, the Commission received a Motion to Postpone which was granted on November 9, 1995. On May 29, 1996, the Commission received a letter executed by the parties requesting dismissal and closure of this matter.

On June 12, 1996, a regularly scheduled meeting, the Commission reviewed this matter. The Commission has jurisdiction over this matter pursuant to SDCL Chapters 49-13 and 49-31, specifically 49-13-1, 49-13-4, 49-31-7, 49-31-7.1, 49-13-13, 49-31-14, 49-13-14.1, 49-31-3 and ARSD 20:10:01:07.01, 20:10:01:08.01, 20:10:01:09 and 20:10:01:11.01. As the parties had resolved all the issues complained of and requested dismissal and closure of the docket, Commission Staff recommended that the Commission close the docket. It is therefore

ORDERED that this matter be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 14th day of June, 1996.

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: Delaine Kolbo
Date: June 14, 1996

BY ORDER OF THE COMMISSION:

KENNETH STOFFERAHN, Chairman

JAMES A. BURG, Commissioner

[CC99orders/includepgs/bottomlinks_insidepg.htm]