

TC98-132

CH/LH

TC98-132

DOCKET NO. _____

In the Matter of _____

IN THE MATTER OF THE COMPLAINT
FILED BY WILSON ENTERPRISES,
INC., HILL CITY, SOUTH DAKOTA,
AGAINST U S WEST
COMMUNICATIONS, INC. REGARDING
UPDATING LINES

Public Utilities Commission of the State of South Dakota

DATE

MEMORANDA

7/13 98 Received;

7/14 98 Rcketed;

7/16 98 Weekly Filing;

8/25 98 Order Finding Probable Cause;

7/16 99 Order Dismissing Complaint and Closing Docket;

7/16 99 Docket Closed.

PLEASE TYPE OR PRINT CLEARLY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

COMPLAINT

Complainant(s): (The party filing the complaint)		Respondent(s): (The person or Company complained against)	
Name	WILSON ENTERPRISES INC	Contact Person	US WEST
Address	PO Box 267	Company	
City, State, Zip	Hill City, SD 57745	Address	
Work Phone	605-574-2084	City, State, Zip	
Home Phone		Work Phone	
Cellular Phone		Cellular Phone	
Fax	605-574-2111	Fax	

If the Complainant is represented by an attorney, please list the attorney's name, address, telephone number and fax number below:
 If Complainant is not represented by an attorney, please leave blank:

The facts giving rise to my complaint:

WE ARE BEING SERVED BY OLD, ANTIQUATED TELEPHONE EQUIPMENT. US WEST HAS US ON AN "ANALOG" PHONE SYSTEM DUE TO A LACK OF PHYSICAL PAIRS OF WIRES. WITH THIS SYSTEM, WE ARE UNABLE TO USE OR ACCESS ANY DIGITAL SERVICES, INCLUDING CALLER ID. YET, US WEST SALES REPRESENTATIVES CONTINUE TO SOLICIT THESE SERVICES THEY ARE UNABLE TO PROVIDE. I HAVE TOLD THEM ON TWO SEPARATE OCCASIONS THAT IT DON'T WORK - THEY RESAND IT AND, SO I TRY IT. WHEN IT DOESN'T WORK, THEY CALLER WHEN A SERVICE CALL IS INITIATED. HOW MANY TIMES SOLICITING FOR ME A SERVICE BEFORE THEY SHOULD BE REQUIRED TO PROVIDE IT. US WEST ONLY QUANTITIES GO THROUGH THE ANALOG SYSTEM. THEN, WE HAVE AN ANNOYINGLY SLOW INTERNET CONNECTION AND OUR FAX AND CREDIT CARD MACHINES OFTEN FAIL DUE TO POOR LINE QUALITY. AGAIN, WE CAN UTILIZE NO DIGITAL SERVICES. US WEST COULD INSTALL A "SINK 50" SYSTEM TO PROVIDE FASTER SERVICE AND DIGITAL SERVICES IF ADDITIONAL WIRE PAIRS ARE NOT FEASIBLE. BUT, I HAVE BEEN TOLD BY REPRESENTATIVES THAT THEY ARE ONLY REQUIRED TO PROVIDE VOICE QUALITY SERVICE!!

NOTE: Please attach additional pages, if necessary, to explain your situation. Also enclose copies of any bills or other documents which may pertain to your complaint.

RESOLUTION REQUEST

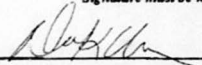
I ask that the Public Utilities Commission grant the following relief. (What do you think the Commission should do to solve this problem?)

REQUIRE US WEST TO PROVIDE BETTER FIRST MORE
RELIABLE AND DIGITAL SERVICE TO THE PHONE NUMBERS
ASSOCIATED WITH OUR MATH NUMBER: 605-574-2664

NOTE: Please attach any additional pages, if necessary.

VERIFICATION

Signature must be witnessed by a notary public.


Complainant's Signature

7/13/98
Date

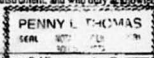
State of South Dakota

County of Pennington

) SS

On this 13 day of July, 1998, before me
personally came and appeared DEAN WILSON
known to me to be the individual described herein and who executed the foregoing instrument, and who duly acknowledged to me
that he/she executed same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Signature of Notary Public



(SEAL)

My commission expires: Oct 14, 2003

South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of July 10, 1998 through July 16, 1998

- TC98-129 Complaint by Dale and Linda Brooks vs USWC. Lack of and poor telephone service in the Mina, South Dakota area. The complainants request the following relief: "The P.U.C. should get on U S WEST and not allow any rate increases until we have the same services that are available to residents of Aberdeen."
Staff Analyst: Leni Healy Staff Attorney: Ethan Meaney
Date Filed: July 10, 1998
Intervention Deadline: NA
- TC98-130 Complaint by Denise Broveak vs USWC. "I am writing this as President of the Elk Ridge Home Owners Association. Our subdivision consists of 56 lots and in 1993 the U S WEST engineer for our area noted that there were only 20+ pairs (cable) available to our development. The engineer was told that the lots were selling quickly and something needed to be done to correct the shortage. The tragedy is as follows: James Van't Land and his family have moved to Elk Ridge - June 22nd. Early April of this year, they were issued 3 phone numbers for 3 lines to be installed upon arrival 6/22/98. As of today, they have no service (July 8) and were issued 1 cell phone on July 3rd to carry them over. James' business line is not active and he is struggling with his job as a result. They receive no help from U S WEST." The complainant requests the following relief: "U S WEST has known for several years of this problem and have done nothing to prepare. Now, the Van't Lands are suffering from their lack of telephone access. Another family will soon be moving here (also needing a business line) and they are out of luck also. We need a multiplexer or more cable! Van't Lands deserve compensation or credit for inconvenience!"
Staff Analyst: Leni Healy Staff Attorney: Ethan Meaney
Date Filed: July 8, 1998
Intervention Deadline: NA
- TC98-131 Application by Main Street Telephone Company for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. "Applicant seeks authority to offer a full range of "1+" interexchange telecommunications services on a resale basis. Specifically, Applicant seeks authority to provide MTS, out-WATS, in-WATS, and Calling Card services. Applicant does not intend to provide operator services, 900 or 700 services."
Staff Analyst: David Jacobson Staff Attorney: Karen Cremer
Date Filed: July 14, 1998
Intervention Deadline: July 31, 1998
- TC98-132 Complaint by Wilson Enterprises, Inc. vs U S WEST. "We are being served by old, antiquated telephone equipment. U S WEST has us on an "anaconda" phone system due to a lack of physical pairs of wires. With this system, we are unable to use or

access any digital services, including Caller ID." Complainant requests the following relief: "Require U S WEST to provide newer, fast, more reliable and digital service to the phone numbers associated with our main number 605-574-2684."
Staff Analyst: Leni Healy Staff Attorney: Camron Hoseck
Date Filed: July 13, 1998
Intervention Deadline: NA

- TC98-133 Complaint by Marian C. Brooks vs USWC. "We have had phone problems for years" in the Mina, South Dakota area. The complainant requests the following relief: "You know the answer to that better than I do."
Staff Analyst: Leni Healy Staff Attorney: Ethan Meaney
Date Filed: July 15, 1998
Intervention Deadline: NA
- EL98-019 Complaint by Rob Thorson vs Northwestern Public Service Company (NWPS). Complainant alleges that his appliances and equipment were damaged by a power surge caused when NWPS severed an electrical cable while installing a gas line. Complainant states that he is seeking monetary damages, that the electrical line is still exposed and he is asking the Commission to do all it can to resolve the problem.
Staff Analyst: Bob Knadle Staff Attorney: Camron Hoseck
Date Filed: July 9, 1998
Intervention Deadline: NA

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

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

IN THE MATTER OF THE COMPLAINT FILED)
BY WILSON ENTERPRISES, INC., HILL CITY,)
SOUTH DAKOTA, AGAINST U S WEST)
COMMUNICATIONS, INC. REGARDING)
UPDATING LINES)

ORDER FINDING
PROBABLE CAUSE

TC98-132

On July 13, 1998, the Public Utilities Commission (Commission) received a complaint filed by Wilson Enterprises, Inc., Hill City, South Dakota (Wilson), against U S WEST Communications, Inc. (U S WEST). The complaint states that Wilson is unable to use or access digital services, including caller ID, there is slow internet connection, and fax and credit card machines often fail. The complainant requested newer, fast, reliable, digital service associated with its main number.

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 August 18, 1998, at a duly noticed meeting, U S WEST stated that the problem area that Wilson complained of was scheduled to be updated in 1999. Dean Wilson also appeared at the meeting and indicated that additionally he was experiencing voice grade problems.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 49-13, 49-31, and ARSD 20:10:01.07:01 through 20:10:01.15:01, inclusive. The Commission voted unanimously to find probable cause. However, since U S WEST has stated that the facilities that serve Wilson will be updated in 1999, the Commission will defer any action on the complaint until July 1, 1999, with the provision that U S WEST is to keep the Commission and Wilson informed of its schedule for completing the updating of facilities to Wilson. It is therefore

ORDERED, that pursuant to ARSD 20:10:01.09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission. The Commission does not require U S WEST to file its answer in this matter at this time and defers further action in this docket until July 1, 1999. It is further

ORDERED that U S WEST will keep the Commission and Wilson informed, in writing, of its schedule for completing the updating of facilities to Wilson.

Dated at Pierre, South Dakota, this 25th day of August, 1998.

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
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

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

IN THE MATTER OF THE COMPLAINT FILED) BY WILSON ENTERPRISES, INC., HILL CITY,) SOUTH DAKOTA, AGAINST U S WEST) COMMUNICATIONS, INC. REGARDING) UPDATING LINES)	ORDER DISMISSING COMPLAINT AND CLOSING DOCKET TC98-132
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On July 13, 1998, the Public Utilities Commission (Commission) received a complaint by Wilson Enterprises, Inc. (Complainant) against U S WEST Communications, Inc. (U S WEST) regarding updating lines. Complainant requested the following relief: "Require U S WEST to provide newer, faster, more reliable and digital service to the phone numbers associated with our main number: 605-574-2684."

On July 13, 1999, at its regularly scheduled meeting, the Commission reviewed this matter. U S WEST was present, but the Complainant was not. U S WEST informed the Commission that it had replaced the system as the Complainant had asked. Commission Staff reported that they had been unable to contact the Complainant.

The Commission has jurisdiction over this matter pursuant to SDCL 49-13-1, 49-13-4, 49-31-3, 49-31-7, 49-31-7.1 and ARSD 20:10:01:07.01 and 20:10:01:08.01. Commission Staff recommended dismissing the complaint and closing the docket. It is therefore

ORDERED, that this complaint be dismissed and the docket is closed.

Dated at Pierre, South Dakota, this 16th day of July, 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 <u><i>Delia Kachko</i></u>
Date <u>7/16/99</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

Wilson Enterprises Inc.

PO Box 267
Hill City, Sd 57745

Phone: (605) 574-2684

Fax: (605) 574-2111

E-mail: info@wilson-enterprises.com
www.wilson-enterprises.com

July 19, 1999

SD Public Utilities Commission

500 E Capitol Ave
Pierre, SD 57501-5070

Re: TC98-132

RECEIVED

JUL 20 1999

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Greetings,

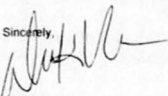
It is my understanding that US West has, in fact, upgraded our phone service. It is hard to tell, in that many of our phone conversations are still of what I consider to be substandard voice quality. But, the problem could be at the other end of the phone conversation. Most phone conversations are just fine and there seems to be no "cross talk" which was one of the bigger concerns before. However, our modems will not connect at any speeds higher than 24k bps.

US West has not kept us informed, in writing, as required by your order, as to the status of the upgrades. A representative has called twice (since the upgrade has supposedly been accomplished), both times I was unavailable. They left a phone number to return their call, but each time it was a toll number and I flat refuse to spend my money for them to tell me that they upgraded our service, which should have been done, in the first place, years ago!

Lastly, in my latest personal bill from US West, I was back-charged for "Service Provider Number Portability" from July 2 through July 12 but, as I understand it, we cannot switch local service providers until July 22 (per US West). How can they charge me for this service when it is not yet available?

Again, thank you very much for your efforts in helping with these matters. I look forward to hearing back from you!

Sincerely,


Dean Wilson

Wilson Enterprises Inc.