

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

500 E Capitol, State Capitol Building, Pierre SD 57501

COMPLAINT

TC 98-144

RECEIVED

AUG 13 1998

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Complainant(s): (Persons filing the complaint)		Respondent(s): (Persons or Company complained against)	
Name	Mike Malsom	Contact Person	
Address	3602 130th St	Company	U.S. West
City, State, Zip	MINA SD 57462	Address	
Home Phone		City, State, Zip	
Work Phone		Work Phone	
Cellular Phone		Cellular Phone	
Fax #		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.)

These are the facts giving rise to my complaint:

Our complaint is against U.S. West Communications. We have been having telephone problems for a few years now. Our phone is out of service quite often. It seems it usually goes out when we get home at evening. Our phone has been out 3 times within the last 2 months. The phone often chews static, making it hard for us to understand our caller. We are retired senior citizens living in the country. Our biggest concern is, feel as unreliable as our phone is, if something would happen to either one of us, we would have no way to contact help. When our phone is out, all of our neighbors' phones are also out. We understand that our lines and switching systems are outdated. That is why maintenance is the cause of our problems. We feel we should have the same quality phone lines as our friends in the city. We pay the same for our phone service as they do.

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.

South Dakota Public Utilities Commission

WEEKLY FILINGS

For the Period of August 7, 1998 through August 13, 1998

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.

TELECOMMUNICATIONS

- TC98-142 In the Matter of the Complaint filed by W. Joseph Claflin, Rapid City, South Dakota, against U S WEST Communications, Inc., regarding Updating Lines

Mr. Claflin represents 54 homeowners and 49 potential homebuilders of the Edelweiss Mountain Development who wish to have upgraded services

Staff Attorney: Karen Cremer
Consumer Representative: Leni Healy
Date Filed: 08/07/98
Intervention Deadline: N/A

- TC98-143 In the Matter of the Application of RSL COM PrimeCall, Inc., for a Certificate of Authority to Provide Telecommunications Services in South Dakota

Application by RSL COM PrimeCall, Inc. for a Certificate of Authority to "provide resold interexchange telecommunications services in the State of South Dakota" as a prepaid calling card service. "RSL COM PrimeCall propose to provide InterLATA and IntraLATA service within the geographic borders of the State of South Dakota."

Staff Attorney: Karen Cremer
Consumer Representative: Kylie Tracy
Date Filed: 08/13/98
Intervention Deadline: 08/28/98

- TC98-144 In the Matter of the Complaint filed by Mike Malsom, Mina, South Dakota, against U S WEST Communications, Inc., regarding Updating Lines

Poor telephone service in the Mina, SD area

Staff Attorney: Karen Cremer
Consumer Representative: Leni Healy
Date Filed: 08/13/98
Intervention Deadline: N/A

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

IN THE MATTER OF THE COMPLAINT FILED) BY MIKE MALSOM, MINA, SOUTH DAKOTA,) AGAINST U S WEST COMMUNICATIONS, INC.) REGARDING UPDATING LINES)	ORDER FINDING PROBABLE CAUSE TC98-144
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On August 13, 1998, the Public Utilities Commission (Commission) received a complaint filed by Mike Malsom, Mina, South Dakota, against U S WEST Communications, Inc. (U S WEST). The complaint detailed Mr. Malsom's telephone problems over the years and he requested that the system be updated.

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 September 10, 1998, at a duly noticed meeting, U S WEST stated that the problem area that Mr. Malsom complained of was scheduled to be updated by the end of the 1998 construction season.

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, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-60 through 49-31-68, inclusive, 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 Mr. Malsom will be updated this year, the Commission will defer any action on the complaint until October 31, 1998. 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.

Dated at Pierre, South Dakota, this 21st day of September, 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	<u>Mildred Kalls</u>
Date	<u>9/21/98</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

U S WEST Communications
125 South Dakota Avenue 8th Floor
Sioux Falls, South Dakota 57194
Phone 605 339-5411
Fax 605 339-5390

Larry W. Toll
Vice President - South Dakota
Public Policy

USWEST

October 15, 1998

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OCT 19 1998

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

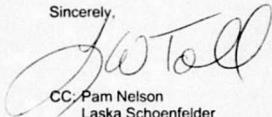
Mr. William Bullard, Executive Director
Public Utilities Commission
State Capitol Building
Pierre, South Dakota 57501

Dear Mr. Bullard:

This letter is to inform the Commission that the Mina Lake project has been completed as of this date. All customers have been cut over to the new system.

If you have any questions, please call me at 605-339-5411.

Sincerely,



CC: Pam Nelson
Laska Schoenfelder
Jim Burg

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

IN THE MATTER OF THE COMPLAINT FILED	)	ORDER CLOSING DOCKET
BY MIKE MALSOM, MINA, SOUTH DAKOTA,	)	
AGAINST U S WEST COMMUNICATIONS, INC.	)	TC98-144
REGARDING UPDATING LINES	)	

On August 13, 1998, the Public Utilities Commission (Commission) received a complaint filed by Mike Malsom, Mina, South Dakota, against U S WEST Communications, Inc. (U S WEST). The complaint detailed Mr. Malsom's telephone problems over the years and he requested that the system be updated.

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 September 10, 1998, at a duly noticed meeting, U S WEST stated that the problem area that Mr. Malsom complained of was scheduled to be updated by the end of the 1998 construction season. The Commission voted unanimously to find probable cause. As U S WEST stated that the facilities that serve Mr. Malsom will be updated this year, the Commission deferred any action on the complaint until October 31, 1998. By letter dated October 15, 1998, U S WEST informed the Commission that the Mina Lake project had been completed and all the customers were cut over to the new system. At its regularly scheduled November 3, 1998, meeting, the Commission voted to close the docket as the facilities update had been completed.

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, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-60 through 49-31-68, inclusive, and ARSD 20:10:01:07.01 through 20:10:01:15.01, inclusive. It is therefore

ORDERED, that the docket is hereby closed.

Dated at Pierre, South Dakota, this 9th day of November, 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

U.S. WEST Communications
125 South Dakota Avenue 8th Floor
Sioux Falls, South Dakota 57194
Phone 605 339-5411
Fax 605 339-5390

Larry W. Toll
Vice President - South Dakota
Public Policy

December 28, 1998

USWEST

RECEIVED

DEC 30 1998

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Mr. William Bullard, Executive Director
Public Utilities Commission
State Capitol Building
Pierre, South Dakota 57501

Dear Mr. Bullard:

This letter will serve as notification to the Commission that the new systems have been installed in the Mina Lake area and all customers served by the new systems have been cut over as of December 23, 1998.

If you have any questions, please call me at 605-339-5411.

Sincerely,

