

TC98-183

In the Matter of _____

IN THE MATTER OF THE COMPLAINT
FILED BY SHERYL L. KLEIN,
VALENTINE, NEBRASKA, AGAINST U
S WEST COMMUNICATIONS, INC.
REGARDING POOR SERVICE AND
REQUEST TO HAVE LINES UPDATED

Public Utilities Commission of the State of South Dakota

DATE	MEMORANDA
10/8 98	Received;
10/16 98	Notated;
10/22 98	Weekly Filings;
11/9 98	Order Finding Probable Cause and Notice Hearing Answer;
11/30 98	Answer to Complaint and Certificate of Service;
1/15 99	Order for and Notice of Hearing;
2/3 99	Staff Hearing Brief;
2/12 99	Transcript of Hearing held on 2/3/99;
2/16 99	U S West's Brief;
4/9 99	Supplement to Staff Hearing Brief;
5/20 99	Order setting Deadline;
6/4 99	U S West's Motion to Extend Deadline;
6/4 99	Affidavit of Edward A. Pate in support of U S West's Motion to extend Deadline;
6/8 99	Revised " " " " " " " " " "
6/15 99	Order Granting Extension of Deadline;
9/27 99	Order for and Notice of Hearing;
11/10 99	Transcript of Hearing held on 11/4/99;
12/21 99	Order Denying Filing; Order Keeping Docket Open;
10/18 01	Order Closing Docket;
10/18 01	Docket Closed.

BOYCE, MURPHY, McDOWELL & GREENFIELD, L.L.P.
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Of Counsel
John E. McDowell

J.W. Boyce (204-1315)
John E. Murphy (204-1315)

November 30, 1998

William Bullard, Executive Director
Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, SD 57501

VIA FACSIMILE - 773-3809

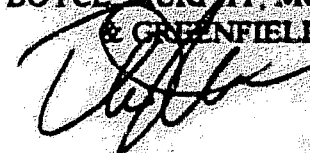
Re: In the Matter of the Complaint Filed by Sheryl L. Klein, Valentine, Nebraska, against U S
WEST Communications, Inc. Regarding Poor Service and a Request to Have Lines Updated
(IC 98-183)

Dear Bill:

Enclosed please find the Answer to Complaint and Certificate of Service in the above referenced
file. The original and ten (10) copies are being mailed to you today.

Sincerely yours,

BOYCE, MURPHY, MCDOWELL
& GREENFIELD, L.L.P.



Thomas J. Welk

TJW/vjj

Enclosure

cc: Colleen Sevoid (w/enc.)
Jim Gallegos (w/enc.)
Sheryl L. Klein (w/enc.)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT
FILED BY SHERYL L. KLEIN, VALENTINE,
NEBRASKA, AGAINST U S WEST
COMMUNICATIONS, INC. REGARDING
POOR SERVICE AND A REQUEST TO HAVE
LINES UPDATED

TC 98-183

ANSWER TO COMPLAINT AND
CERTIFICATE OF SERVICE

Pursuant to the November 9, 1998 Order of the Public Utilities Commission ("Commission") in this docket, received on November 12, 1998, and pursuant to ARSD 20:10:01.11.01 U S WEST Communications, Inc. ("U S WEST") provides the following Answer to the Complaint in this matter:

1. U S WEST admits, as alleged in the Complaint of Milton and Sheryl Klein of Valentine, Nebraska ("Customer") that the Customer has experienced certain outages of telephone and that at certain times such outages were reported to U S WEST. To its best knowledge and belief, U S WEST responded to all trouble reports.
2. This customer is served out of the Valentine, Nebraska office.
3. The U S WEST technicians in Nebraska have done extensive work on this system to provide the Klein's good voice grade service.
4. U S WEST has credited and will credit the Customer for any days the Customer was out of service.
5. In regard to any damages suffered by the Customer as alleged in the Complaint, such damages, if any, are limited by the applicable tariff which has been filed and approved by the Commission, which is attached hereto as Exhibit A. In addition, in the extent that such damages alleged by the Customer are not limited by the tariff, U S WEST remits the Customer to prove any damages sustained.

DATED this 30th day of November, 1998.



Thomas J. Welk
BOYCE, MURPHY, McDOWELL &
GREENFIELD, L.L.P.
101 North Phillips Avenue, Suite 600
P. O. Box 5015
Sioux Falls, SD 57117-5015
(605) 336-2424

Attorneys for U S WEST Communications, Inc

CERTIFICATE OF SERVICE

I, Thomas J. Welk, do hereby certify that I am a member of the law firm of Boyce, Murphy, McDowell & Greenfield, L.L.P., and on the 30th day of November, 1998, a true and correct copy of U S WEST's Answer to Complaint was sent via US mail, postage prepaid, to the following address:

Milton and Sheryl Klein
HC 14, Box 37
Valentine, NE 69201



Thomas J. Welk

U S WEST COMMUNICATIONS, INC.
Exchange and Network
Services Tariff

SECTION 2

Page 25

Release 1

State of South Dakota
Issued: 11-5-93

Effective: 12-5-93

2. GENERAL REGULATIONS - CONDITIONS OF OFFERING

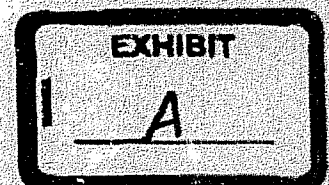
2.1 LIABILITY OF THE COMPANY

2.1.1 SERVICE LIABILITIES

A. Limitations

1. The Company's liability, if any, for its willful misconduct is not limited by this Tariff. With respect to any other claim or suit, by a customer or by any others, for damages associated with the installation, provision, preemption, termination, maintenance, repair, or restoration of service, the Company's liability, if any, shall not exceed an amount equal to the proportionate part of the monthly recurring charge for the service for the period during which the service was affected. This liability shall be in addition to any amounts that may otherwise be due the customer under this Tariff as an allowance for interruptions.
2. The services furnished by the Company, in addition to the limitations set forth preceding, also are subject to the following limitation: The Company shall not be liable for damage arising out of mistakes, omissions, interruptions, delays, errors or defects in transmission or other injury, including but not limited to injuries to persons or property from voltages or currents transmitted over the service of the Company caused by Customer-provided equipment (except where a contributing cause is the malfunctioning of a Company-provided connecting arrangement, in which event the liability of the Company shall not exceed an amount equal to a proportional amount of the Company billing for the period of service during which such mistake, omission, interruption, delay, error, defect in transmission or injury occurs).
3. The customer indemnifies and saves the Company harmless against claims for libel, slander, infringement of copyright arising from the use of material transmitted over its facilities, or infringement of patents arising from combining with or using in connection with, facilities of the Company, apparatus or systems of the customer, and against all other claims arising out of any act or omission of the customer in connection with facilities provided by the Company.
4. Calling Privileges

Company tariffs govern and fix the outgoing service of customers and in no manner guarantees to them the same incoming service. All incoming service of a customer depends upon and is limited by the right of a calling customer to such service.



South Dakota Public Utilities Commission

WEEKLY FILINGS

For the Period of October 16, 1998 through October 22, 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.

GAS AND ELECTRIC

GE98-003 In the Matter of Application of Northwestern Public Service for approval of Revisions to its Natural Gas and Electric Tariff concerning modification of its customer bill.

Application by Northwestern Public Service to revise its natural gas and electric tariff to incorporate changes to its customer bill. Northwestern Public Service has proposed to replace the logo on their customer bills with the new logo recently adopted. Minor wording changes on the bills have also been proposed in order to facilitate customer understanding of the bill.

Staff Attorney: Karen Cremer

Staff Analyst: Dave Jacobson

Date Filed: 10/22/98

Intervention Deadline: NA

TELECOMMUNICATIONS

TC98-183 In the Matter of the Complaint filed by Sheryl L. Klein, Valentine, Nebraska, against U S West Communications, Inc. Regarding Poor Service and Request To Have Lines Updated.

Complaint by Sheryl L. Klein vs. U S West Communications, Inc. The Complainant outlines a series of service outages, repair difficulties, outdated service and staffing issues. The Complainant seeks the following relief: "We want the line fixed completely and permanently, so it functions at a 100% reliable level. We want this done now, before another winter sets in. We have been told several possible problems by U S West repairmen including aging lines and old systems. We do not know what the solution is, but want it found and implemented now. We ask that U S West be required to make whatever investment is necessary to fully remedy the problem. We also want to be reimbursed for a reasonable amount for the loss of phone service and the associated stress and hassles. We request \$500.00.

Staff Attorney: Camron Hoseck

Consumer Affairs: Leni Healy

Date Filed: 10-08-98

Intervention Deadline: N/A

TC98-184 In the Matter of the Complaint filed by JoAnn C. Klein, Valentine, Nebraska
against U S West Communications, Inc. Regarding Poor Service and Request
To Have Lines Updated.

Complaint by JoAnn C. Klein vs. U S West Communications, Inc. The
Complainant outlines a series of service outages, repair difficulties, outdated
service, phantom calls, and staffing issues. The Complainant seeks the
following relief: "contact U S West and insist that our long continuation of poor
service and outages be corrected. Also reimbursement or credit for days when
phone lines have been out." Mrs. Klein also requests that her billing for 24
directory assistance calls and long distance calls which were not made by the
Kleins be credited from their billing.

Staff Attorney: Camron Hoseck
Consumer Affairs: Leni Healy
Date Filed 10-08-98
Intervention Deadline: N/A

TC98-185 In the Matter of the Application of EQuality, Inc., for a Certificate of Authority to
Provide Telecommunications Services in South Dakota.

Application of EQuality Inc. for a certificate of authority to provide intrastate
telecommunications services in the state of South Dakota. EQuality proposes to
offer 1+, 800 and travel card service.

Staff Attorney: Karen Cremer
Staff Analyst: Harlan Best
Date Filed: 10/19/98
Intervention Deadline: 11/06/98

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You may subscribe to the PUC mailing list at
<http://www.state.sd.us/state/executive/puc/puc.htm>

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FINDING
BY SHERYL L. KLEIN, VALENTINE,)	PROBABLE CAUSE AND
NEBRASKA, AGAINST U S WEST)	NOTICE REQUIRING
COMMUNICATIONS, INC. REGARDING POOR)	ANSWER
SERVICE AND A REQUEST TO HAVE LINES)	
UPDATED)	TC98-183

On October 8, 1998, the Public Utilities Commission (Commission) received a complaint filed by Sheryl L. Klein, Valentine, Nebraska (Complainant), against U S WEST Communications, Inc. (U S WEST) regarding poor service. Complainant outlines a series of service outages, repair difficulties, outdated service, phantom calls, and staffing issues. Complainant requests upgrading of U S WEST facilities. Complainant also requested damages for loss of phone service and associated stress and hassles.

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 November 3, 1998, at a duly noticed meeting, Complainant explained her complaint to the Commission. A representative of U S WEST explained its position stating that the complaint should be dismissed as repairs had been made and billing adjustments entered. Commission Staff recommended a finding of probable cause due to unresolved factual issues and due to the claim for damages.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-13-1, 49-13-4, 49-13-13, 49-13-14.1, 49-31-3, 49-31-7, 49-31-7.1, 49-31-11, 49-31-60 through 49-31-68, inclusive, and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission voted unanimously to find probable cause. 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 and that the complaint shall be forwarded to U S WEST and U S WEST shall file with the Commission its answer in writing within twenty (20) days of service of this order.

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: Melanie Kalls

Date: 11/10/98

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

Milton & Sheryl Klein
HC 14, Box 37
Valentine, NE 69201
January 13, 1999

RECEIVED

JAN 14 1999

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Boyer, Murphy, McDowell & Greenfield, L.L.P.
Attorneys at Law
P.O. Box 5015
Sioux Falls, SD 57117-5015

Re: In the matter of the complaint filed by Sheryl L. Klein, Valentine, Nebraska, against US West Communications, Inc. regarding poor service and a request to have lines updated (TC 98-183)

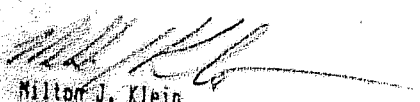
Dear Mr. Welk:

We received your answer from US West regarding our complaint. We feel US West must still answer the following questions regarding the future reliability of our phone service.

1. Is the "Slick B" phone system we have reliable or does it really need replaced with a different engineering design? One of the characteristics of this system seems to be that a small problem anywhere in the neighborhood can affect many customers. Another characteristic seems to be that these problems are difficult to pinpoint. Many of our neighbors continue to experience phone trouble.
2. Would replacing all the old lines in our neighborhood increase the reliability of our service? Some of our lines are over 30 years old. Our latest problem was found in one of these old lines.
3. Would a more direct trouble reporting system shorten response time? Currently, customers report problems to a central office which relays work orders to the field staff. This time delay has often resulted in the problem being "dried out" before the repair crew arrives.
4. Do field crews have the necessary staff, training, and equipment to trouble shoot our system? Eight months is too long to find a problem.

We look forward to hearing answers to our concerns at the hearing in Mission on February 3.

Sincerely,


Milton J. Klein

cc: William Bullard

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

IN THE MATTER OF THE COMPLAINT FILED	)	ORDER FOR AND NOTICE
BY SHERYL L. KLEIN, VALENTINE,	)	OF HEARING
NEBRASKA, AGAINST U S WEST	)	
COMMUNICATIONS, INC. REGARDING POOR	)	TC98-183
SERVICE AND A REQUEST TO HAVE LINES	)	
UPDATED	)	

On October 8, 1998, the Public Utilities Commission (Commission) received a complaint filed by Sheryl L. Klein, Valentine, Nebraska (Complainant), against U S WEST Communications, Inc. (U S WEST) regarding poor service. Complainant outlines a series of service outages, repair difficulties, outdated service, phantom calls, and staffing issues. Complainant requests upgrading of U S WEST facilities. Complainant also requested damages for loss of phone service and associated stress and hassles.

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 November 3, 1998, at a duly noticed meeting, the Commission considered this matter. The Commission voted unanimously to find probable cause. U S WEST filed its answer on November 30, 1998.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-2, 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 20:10:01:28, inclusive. The Commission may rely upon any or all of these or other laws of this state in making its determination.

A hearing shall be held on February 3, 1999, beginning at 1:30 o'clock P.M., at Cherry-Todd Electric Cooperative, West Highway 18, Mission, South Dakota. The Commission will also hear the complaints filed against U S WEST in dockets TC98-184, TC98-199, and TC98-212, since those complaints concern the same general area as this complaint. All persons testifying will be subject to cross-examination by the parties.

The issue at the hearing is whether U S WEST committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at

the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission shall determine whether U S WEST committed an unlawful or unreasonable act, rate, practice, or omission and, if so, order any appropriate relief. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED that a hearing shall be held at the time and place specified above on the issue of whether U S WEST committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 15th day of January, 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>Arlene Kabis</u>
Date:	<u>1/15/99</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION.
Commissioners Burg, Nelson and
Schoenfelder


WILLIAM BULLARD, JR.
Executive Director

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

IN THE MATTER OF THE COMPLAINT) FILED BY SHERYL L. KLEIN, VALENTINE,) NEBRASKA, AGAINST U S WEST) COMMUNICATIONS, INC. REGARDING) POOR SERVICE AND A REQUEST TO) HAVE LINES UPDATED)	STAFF HEARING BRIEF TC98-183
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IN THE MATTER OF THE COMPLAINT) FILED BY JOANN KLEIN, VALENTINE,) NEBRASKA, AGAINST U S WEST) COMMUNICATIONS, INC. REGARDING) POOR SERVICE AND A REQUEST TO) HAVE LINES UPDATED)	 TC98-184
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IN THE MATTER OF THE COMPLAINT) FILED BY LAWRENCE KLEIN, VALENTINE,) NEBRASKA, AGAINST U S WEST) COMMUNICATIONS, INC. REGARDING) POOR SERVICE AND A REQUEST TO) HAVE LINES UPDATED)	 TC98-199
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IN THE MATTER OF THE COMPLAINT) FILED BY MARGARET FIGERT, MISSION,) SOUTH DAKOTA, AGAINST U S WEST) COMMUNICATIONS, INC. REGARDING) POOR SERVICE AND A REQUEST TO) HAVE LINES UPDATED)	 TC98-212
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This brief is provided to the Commission to assist it in addressing the issues in these cases.

1. Legislative Goals.

The Legislature has directed that its intent "... that all of the future rules, policies, actions, and decisions of the state of South Dakota and all of its political subdivisions, and the actions and decisions of its offices and employees, shall be made consistent with and

further the purposes and directives of §§ 49-31-60 through 49-31-68, inclusive." SDCL 49-31-60. SDCL 49-31-62 provides for a narrowband network. SDCL 49-31-65 provides for its deployment within five years (presumably of 1997) and significant results within two years in education, medical, business and government communities of interest.

2. Commission powers.

The Commission under SDCL 49-31-7.1 has broad general powers to look into the safety, accommodation and convenience of the public. Under SDCL 49-31-7.1(1), it may examine a telecommunications company's condition and the condition of its equipment with these standards in mind. Under subsection (2) it can require a telecommunications company to install a facility necessary for these three considerations. It can require special reports under subsection (4). Finally, the Commission has the power necessary to supervise and control such companies, SDCL 49-31-3.

3. Commission responsibility.

Under SDCL 49-31-3, the Commission is required to inquire into complaints, unjust discrimination, neglect or violation of state laws governing telecommunications companies.

4. Telecommunications company responsibility.

Telecommunications companies granted authority to operate in South Dakota must have "... sufficient technical, financial and managerial capabilities. . ." to provide services for which they seek authority to provide. See SDCL 49-31-3.

5. Telecommunications customers have an unrestrained right to claim damages before the Public Utilities Commission.

SDCL 49-13-1.1 provides:

Any person claiming to be damaged by any telecommunications company or motor carrier may either make complaint to the commission or may bring suit on his own behalf for the recovery of damages in any court of competent jurisdiction in this state, but no person may pursue both remedies at the same time.

It is submitted that in clear language the Legislature has provided a remedy for any person claiming to be damaged by a telecommunications company. The statute does not otherwise impose conditions on that right.

6. U S WEST's tariffs which attempt to limit its liability are invalid and unenforceable.

a. First, for the reason stated in Section 1, above, the law provides an unrestrained right to claim damages from a telecommunications company.

b. Second, Section 2, page 25, Release 1, paragraph A of U S WEST's tariff is attached to its Answer in this case.

SDCL 49-31-12, as paraphrased, provides that the Commission is to make a schedule of reasonable fares and rates or prices for telecommunications companies. Under SDCL 49-31-12.1, rates and prices filed in tariffs are presumed fair and reasonable. Companies' responsibilities regarding rates and prices are defined by SDCL 49-31-12.2. In other words, tariffs are to cover fares, rates and prices.

This tariff is a limitation of liability. It does not set a fare, a rate or a price. It attempts to shield U S WEST from contract and tort liability. It attempts to define what can be recovered from U S WEST when service is not provided for a variety of reasons. This has nothing to do with what U S WEST may charge customers as a fare, rate or price.

The statutes cited above are clear and unambiguous and should be given their plain meaning and intent. U S WEST Communications, Inc. v. Public Utilities Commission, 505 N.W.2d 115, 123 (S.D. 1993).

7. The measure of damages is an amount that will compensate an injured party for detriment suffered.

The measure of damages is provided for by statute. In contract, that standard as stated in SDCL 21-3-1 is:

For the breach of an obligation arising from contract, the measure of damages, except where otherwise expressly provided by this code, is the amount which will compensate the party aggrieved for all the detriment proximately caused thereby, or which, in the ordinary course of things, would be likely to result therefrom. No damages can be recovered for a breach of contract which are not clearly ascertainable in both their nature and their origin.

In tort, the standard is in SDCL 12-3-1:

For the breach of an obligation not arising from contract, the measure of damages, except where otherwise expressly provided by this code, is the amount which will compensate for all the detriment proximately caused thereby, whether it could have been anticipated or not.

8. A telecommunications company which does not properly provide service is liable for a wide range of damages.

As to damages which may be recovered when a telephone company does not properly provide service, a general statement of the law is found at 74 Am Jur. 2d TELECOMMUNICATIONS § 65:

The compensatory damages which may be recovered for failure of a telephone company to perform its duty to furnish telephone facilities and to render proper service are not necessarily limited to the mere monetary loss which the injured party may be able to prove as a result of this neglect or failure of the company, but may include such elements as annoyance.

inconvenience, and loss of time, and in some cases even mental or physical suffering. There is no distinction between residence and business telephones with regard to the right to recover damages for annoyance, inconvenience, and loss of time naturally resulting from the interruption of the service. However, it has been held that in the absence of proof of any pecuniary loss, the measure of damages is the amount paid for the service for the time during which it is refused, and that in such a case, damages for mere inconvenience and annoyance cannot be recovered. (emphasis supplied).

There are two cases which, although of some age, discuss the awarding of damages for inconvenience in telephone service and they appear to form a basis for recovery of such damages either in contract or tort.

In Cumberland Telegraph & Telephone Co. v. Hobart, 42 S. 349 (Miss. 1906), the Court said:

The telephone has come to be a necessity. It is the thing which completes the use of a home. It is resorted to daily, and hourly, to such an extent as to be regarded as indispensable, yet, when it comes to taking pencil and paper and calculating day by day what pecuniary value it possesses, it is almost impossible. The inconvenience, the annoyance, and the trouble of being without one is a damage which no one can accurately estimate. It is such inconvenience and annoyance as is only to be fully appreciated when one is deprived of its use; its loss is a great and distinct damage, yet such damage as is not susceptible of exact measurement. at 350 (emphasis supplied).

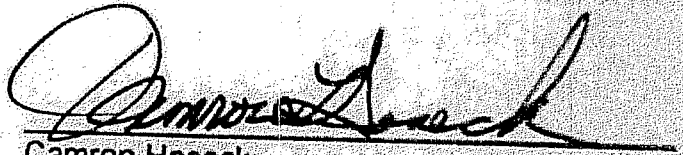
The damage sustained by the loss of a telephone in its very nature is largely composed of inconvenience and annoyance. Supra, at 351.

In a tort action regarding a telephone company's discontinuance or suspension of service, it has been recognized that recovery for annoyance and inconvenience can be had, see Chesapeake & Potomac Telephone Co. of Virginia v. Carless, 102 S.E. 569 (VA. 1920). That, in order to recover this damage, it is proper for a trier of fact to consider all facts and circumstances which show the damage. Quoting Sedgwick on Damages, the Court adopted the following language:

And when, from the nature of the case, the amount of damages cannot be estimated with certainty, or only a part of them can be so estimated, we can see no objection to placing before the jury all the facts and circumstances of the case having any tendency to show damages, or their probable amount, so as to enable them to make the most intelligible and probable estimate which the nature of the case will admit. at 571.

In South Dakota, personal inconvenience has been recognized as a proper element of damage, for instance in personal injury type actions, see Koenig v. Weber, 174 N.W.2d 218 (S.D. 1970).

Dated this 3rd day of February, 1999.



Camron Hoseck
Staff Attorney
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501
Telephone (605) 773-3201

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

RECEIVED

FEB 17 1999

IN THE MATTER OF THE COMPLAINT
FILED BY SHERYL L. KLEIN, VALENTINE
NEBRASKA, AGAINST U S WEST
COMMUNICATIONS, INC. REGARDING POOR
SERVICE AND REQUEST TO HAVE LINES
UPDATED

SOUTH DAKOTA PUB
UTILITIES COMMISSIO

TC98-183

IN THE MATTER OF THE COMPLAINT
FILED BY JOANN C. KLEIN, VALENTINE
NEBRASKA, AGAINST U S WEST
COMMUNICATIONS, INC. REGARDING POOR
SERVICE AND REQUEST TO HAVE LINES
UPDATED

TC98-184

IN THE MATTER OF THE COMPLAINT
FILED BY LAWRENCE KLEIN, VALENTINE
NEBRASKA, AGAINST U S WEST
COMMUNICATIONS, INC. REGARDING POOR
SERVICE AND REQUEST TO HAVE LINES
UPDATED

TC98-199

IN THE MATTER OF THE COMPLAINT
FILED BY MARGARET FIGERT, MISSION
SOUTH DAKOTA, AGAINST U S WEST
COMMUNICATIONS, INC. REGARDING POOR
SERVICE AND REQUEST TO HAVE LINES
UPDATED

TC98-212

~~IN THE MATTER OF THE INTERCONNECTION
CONTRACT NEGOTIATIONS BETWEEN AT&T
COMMUNICATIONS OF THE MIDWEST, INC.
U S WEST COMMUNICATIONS, INC.
PURSUANT TO 47 U.S.C. SECTION 252~~

~~TC98-018~~

ORIGINAL

HEARD BEFORE THE PUBLIC UTILITIES COMMISSION

PROCEEDINGS:

February 3, 1999
1:30 P.M.
Cherry-Todd Electric Co-op
West Highway 18
Mission, South Dakota

PUC COMMISSION:

Laska Schoenfelder, Commissioner
Pam Nelson, Commissioner

COMMISSION STAFF

PRESENT:

Bill Bullard
Camron Hoseck
Leni Healy

Reported by:

Lori J. Grode, RMR

A P P E A R A N C E S

For US West:

Thomas J. Welk
P.O. Box 5015
Sioux Falls, South Dakota,
57117-5015
and Colleen Sevold

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P R O C E E D I N G S

(EXHIBITS NO. 1-15 WERE MARKED FOR
IDENTIFICATION.)

COMMISSIONER NELSON: Good afternoon. I'll
begin the hearing for Dockets TC98-183, TC98-184,
TC98-199, and TC98-212, in the matter of the complaints
filed by Sheryl L. Klein, JoAnn Klein, Lawrence Klein,
all of Valentine, Nebraska, and Margaret Figert of
Mission, South Dakota, against U S West Communications,
Inc., regarding poor service and a request to have
lines updated.

The time is approximately 1:30 p.m. The date
is February 3rd, 1999; and the location of the hearing
is Cherry-Todd Electric Cooperative, West Highway 18,
Mission, South Dakota.

I am Pam Nelson, Commissioner, and
Commissioner Laska Schoenfelder is also present today.
Commissioner Jim Burg is home sick.

I am presiding over this hearing. This
hearing was noticed pursuant to the Commission's orders
for the Notices of Hearing issued January 15th, 1999.
The issue at this hearing is whether U S West committed
an unlawful or unreasonable act, rate, practice, or
omission; and, if so, what relief would be
appropriate.

1 All parties have the right to be present and
2 to be represented by an attorney. All persons so
3 testifying will be sworn in and subject to
4 cross-examination by the parties. The Commission's
5 final decision may be appealed by the parties to the
6 State Circuit Court and Supreme Court.

7 At this time I would take appearances of the
8 parties. And I think if it's all right with everyone,
9 we'll take all the complainants first and then hear
10 from U S West. Any objections?

11 MR. WELK: No.

12 MR. MILTON KLEIN: I'm Milton J. Klein.

13 COMMISSIONER NELSON: Okay. We need all of
14 you to identify yourselves.

15 MS. JOANN KLEIN: I am JoAnn Klein,
16 Mrs. Clifford Klein.

17 MRS. SHERYL KLEIN: I'm Sheryl Klein.

18 MS. FIGERT: Margaret Figert here.

19 MR. LAWRENCE KLEIN: Lawrence Klein back
20 here.

21 COMMISSIONER NELSON: And U S West.

22 MR. WELK: Tom Welk, attorney from Sioux
23 Falls.

24 MR. PETERS: And Edward Peters from the
25 Network Department Endeavor.

1 MR. HOSECK: And Camron Hoseck on behalf of
2 Commission staff, and with me today is Leni Healy, the
3 consumer representative.

4 MR. WELK: Madam Chair, also Colleen Sevold,
5 the manager of regulatory affairs from Sioux Falls,
6 also should be known, and she is present from U S
7 West.

8 COMMISSIONER NELSON: Okay. I would ask
9 Sheryl Klein and Milton be sworn.

10 MILTON AND SHERYL KLEIN,
11 called as a witnesses, being first duly
12 sworn, was examined and testified as follows:

13 MR. WELK: Madam Chair, before we begin, just
14 for your information, prior to the start of the hearing
15 we have premarked certain exhibits. And the first
16 eight exhibits are the Complaints and the Answers to
17 U S West in the order:

18 Exhibit 1 is the Sheryl Klein Complaint,
19 Exhibit 2 is the Sheryl Klein Answer, Exhibit 3 is the
20 JoAnn Klein Complaint, Exhibit 4 is the JoAnn Klein
21 Answer, Exhibit 5 is the Lawrence Klein Complaint,
22 Exhibit 6 is the Lawrence Klein Answer, Exhibit 7 is
23 the Figert Complaint, and Exhibit 8 is the Answer.

24 And we have no objection, at least from U S
25 West, admitting those to start the hearing.

1 MR. HOSECK: And staff would stipulate to
2 admitting those into the record.

3 COMMISSIONER NELSON: They're admitted, if no
4 objections.

5 MR. HOSECK: There are no objections.

6 COMMISSIONER NELSON: So they're admitted.

7 COMMISSIONER NELSON: Do we have opening
8 statements? Would you like to give an opening
9 statement? Just tell us.

10 MR. MILTON KLEIN: I'd like to speak on
11 behalf of Milton and Sheryl Klein. First, I'd like to
12 by way of acquainting you with the area which we are
13 going to be discussing, this is a map representing
14 approximately Todd County, South Dakota. Mission,
15 where you're located right now, is right here.

16 And this area southeast of Mission about 20
17 miles southeast of Mission and designated as the Hidden
18 Timber Neighborhood, and we'll be referring to this in
19 our discussion. And this is where the location of
20 Valentine, Nebraska, where our phone service is
21 serviced from is approximately 30 miles from this
22 Hidden Timber area.

23 Also, we might be referring later on to a
24 school called Littleberg School, it's south and west of
25 our area; and the Lakeview School, which is south and

1 west of Mission. This is Exhibit 9. This is more a
2 close-up of what I designated on Exhibit 9 as the
3 Hidden Timber neighborhood.

4 And to acquaint you with some of the parties
5 involved in this proceeding, this is our residence,
6 this is the residence of Clifford and JoAnn Klein,
7 Lawrence Klein, and this is the residence of the
8 Figerts.

9 I also have some documents which we'll
10 reference some other neighbors and they'll be -- this
11 is the Klein Elementary School, this is the Jansens,
12 the Harps, Randy Klein, the Abbotts, Havemans, Bryans,
13 the Bakers, who are here today, and Evelyn Whiting.

14 I'd like to -- I have a number of documents
15 here, which are all marked Exhibit 11, and they consist
16 of a prepared statement, which I intend to present, and
17 a log of my troubles, some bills, and some
18 questionnaires which I received from -- solicited and
19 received from my various neighbors. I'd like that
20 entered as Exhibit 11.

21 MR. WELK: Are we in opening statement or in
22 direct examination? I thought the Chair asked for
23 opening statements.

24 COMMISSIONER NELSON: We're in opening
25 statements. You did an opening statement. Are you

1 done?

2 MR. MILTON KLEIN: I don't know what you
3 define as opening statement, so I guess I'm not totally
4 familiar with what you're asking for.

5 MR. BULLARD: A quick overview of what your
6 case will be. And once you've done, we will suffice
7 with that and come back with your testimony later.

8 MR. MILTON KLEIN: Okay. We, Sheryl and
9 Milton Klein, believe U S West has committed
10 unreasonable omissions, acts, and practices by failing
11 to provide reliable telephone service by blocking
12 attempts to address legitimate credit issues and by
13 practicing inefficient trouble response procedures.

14 We need reliable telephone service, and we
15 ask that U S West be required to renovate their
16 equipment to a reliable status; that they be required
17 to make credits for bogus calls and nonservice, and
18 that they be required to improve their response
19 system.

20 COMMISSIONER NELSON: Thank you. U S West,
21 would you like to make an opening statement?

22 MR. WELK: We have no opening statement.

23 COMMISSIONER NELSON: All right. No opening
24 statement?

25 MR. HOSECK: Nothing from staff, no.

1 COMMISSIONER NELSON: Staff doesn't have
2 any. Now can we proceed? Okay. Now you can proceed
3 with your case.

4 MR. MILTON KLEIN: U S West has committed
5 unreasonable omissions by failing to provide reliable
6 telephone service. We have experienced many
7 difficulties with U S West phone service. These
8 problems were especially troublesome during the period
9 from January 1998 through October 1998.

10 I reference Attachment One, which is a log
11 which I have consolidated out like those documentable
12 troubles we had. However, phone service problems are
13 not unique to our residence or to this time frame.
14 Rather, problems are both widespread in our
15 neighborhood and have occurred both before and since
16 these dates.

17 Let us highlight some of our difficulties
18 during this time period. One, poor quality
19 conversations. Many of both local and long distance
20 calls have been full of static and other odd sounds so
21 much that conversations have been difficult to
22 impossible.

23 Cut-off calls, we have had many calls cut off
24 abruptly and the line goes dead. We have been
25 disconnected from the Internet due to phone troubles.

1 Three, odd sounds. The phone, while not in
2 use, emits odd sounds at random times, such as pinging
3 rings that sound tinkly and full rings that sound
4 normal. When the phone is picked up, the line is full
5 of static or simply dead. These odd sounds are
6 particularly troublesome at night when they interrupt
7 our sleep.

8 Dead phones. Occasionally the line is
9 totally inoperable. Either it's completely dead or
10 just static.

11 Bogus calls billed to our phone. During the
12 period between January 1998 and November 1998 we were
13 billed for many calls which we did not make. In
14 February alone we were billed for 21 bogus calls to the
15 local directory assistance, 411. On October 5th we
16 were billed for bogus call trace activation call, a
17 star something, something. I don't recall exactly what
18 that is.

19 We reported most of these service problems to
20 U S West, and technicians attempted to fix and repair
21 them. On October 6th the repair crew from U S West
22 found and fixed a short in a neighbor's terminal box.
23 It was over here to the Bryans. The short was found in
24 the terminal box at the end of a neighbor's driveway.
25 It was the end of an old telephone line where it was

1 spliced onto a newer section of line. Some of the
2 lines have been replaced in the last 15 years, but some
3 date back approximately 35 years.

4 At the time we were convinced that this
5 problem was a direct cause of the phone troubles we have
6 been having since January 1998. However, on October 2
7 it rained, the phone tinkled, and a bogus 411 call was
8 billed to our account. At least three of our neighbors
9 have since experienced phone service difficulties.
10 Randy Klein, the Abbotts and the Klein School.

11 Our phone service has been mostly good since
12 November 1st. However, just Monday morning, February
13 1st, 1999, I tried to call a neighbor, Pat Baker.
14 After about four rings I was cut off. Pat later said
15 that her phone started a terrible buzzing noise when
16 she picked it up. Our phone system is still not
17 reliable.

18 The old phone lines will likely develop
19 frequent problems in the future. We question the
20 reliability of the SLC 8 operating system. The
21 continuing difficulties of our neighbors and we
22 continue to experience attest to this overall
23 unreliability. This unreliability is unreasonable.

24 U S West has acted unreasonably by blocking
25 attempts to receive credit for bogus calls billed to

1 our service. On March 13th, 1998, I called U S West
2 billing for credit for the 21 directory assistance
3 calls caused by the phone troubles in February. A
4 representative named Lucy refused to believe that the
5 phone shorting out caused these calls. She insisted
6 that the only way these calls would show up is if
7 someone had dialed 411. At one point I had her look up
8 when the calls were posted, and she read some of them
9 to me. They were at odd hours and times when no one
10 was home.

11 I asked to speak to her supervisor. After
12 some more discussion, she went off the line for several
13 minutes. No supervisor spoke with me. She said that
14 she had checked and again stated that these calls had
15 to have been initiated by someone in our residence.
16 However, she would give me credit for them this time
17 but not again. I told her that I was sure I would be
18 back because the repairman had just fixed the phone and
19 there were bound to be more billing calls on the next
20 billing cycle. She said to go ahead. She apparently
21 placed instructions in my file blocking future credit
22 for such calls. These actions by U S West's
23 representative were unreasonable.

24 In April I again called for credit for the
25 three bogus 411 calls billed to my March statement.

1 Julie informed me that she could not credit me because
2 instructions were in my file not to do so. After some
3 further discussion, she was finally successful in
4 issuing a credit. In October I called U S West billing
5 to get credit for a bogus call trace activation call
6 caused by October 5th phone trouble. The
7 representative said that she would credit me this time,
8 but that this was highly unusual. I warned her not to
9 enter notations in my file preventing credit since I
10 had had that trouble before. She assured me that she
11 would not.

12 Many of my neighbors also report bogus 411
13 calls and difficulty in getting credit from U S West.
14 Since at least September the bogus 411 calls caused by
15 phone service problems have been billed to long
16 distance as long distance calls. Our long distance
17 carrier, AT&T, has been nothing but cooperative in
18 crediting these calls. U S West, on the other hand,
19 has not been cooperative. They have been
20 unreasonable.

21 U S West has committed an unreasonable
22 practice by failing to provide timely repair service.
23 Currently, U S West trouble reports are received by a
24 central office and relayed to their repair crews. The
25 time delay often results in any moisture-related phone

1 troubles being dried out by the time the repair crew
2 arrives. In addition, this time delay often results in
3 a problem being rolled over to a new date or even
4 through a weekend.

5 As an example, on October 1st, 1998, a repair
6 crew, including Myron Wasson, the manager from Norfolk,
7 was here to work on the phone troubles. They patched
8 the line in our driveway that had a small short. By
9 the time they left that evening, it had started to
10 rain. By 1:00 p.m. the following date, Friday, October
11 2nd, the phone was inoperable again. By the time we
12 could submit another trouble report at 5:50 p.m., it
13 was too late to get help before Monday. The next crew
14 arrived on Tuesday, October 6th. A practice that
15 results in delays and in repairing a central phone
16 service is unreasonable.

17 We need reliable phone service. We require
18 reliable phone service for emergency services. We live
19 in a remote area and have little time to waste
20 summoning help for medical emergencies and fires. We
21 are especially concerned that our community senior
22 citizens have access to reliable phones to enable them
23 to remain in their own homes and retain an reasonable
24 level of independence. We run our ranching business
25 out of our home. When the phone is dysfunctional, we

1 cannot receive or transmit calls, E-mail, or use the
2 Internet.

3 In addition, Sheryl often works out of our
4 home on issues related to her job as a department
5 director at Sinte Gleska University and has experienced
6 extreme frustration trying to use the phone. For
7 example, during the summer of 1998 we went through a
8 several-week spate of erratic phone service. The time
9 coincided with Sheryl's efforts to contact job
10 applicants.

11 Some applicants tried to call our home
12 number. Weeks went by when we occasionally could not
13 get calls in or out. One applicant told Sheryl it had
14 been a most frustrating experience as he had made many
15 long distance calls that were either cut off or did not
16 get through at all. We have experienced similar
17 frustrations trying to conduct ranch and personal
18 business over the phone.

19 We need reliable phone service in our
20 school. Our community has a K-8 school, Klein
21 Elementary. It is important to have reliable
22 communications to the school for emergencies and to run
23 the Internet. At present the phone service has proven
24 unreliable for both.

25 What we want done: Number one, we want U S

1 West to renovate their existing equipment to make it
2 100 percent reliable. We do not pretend to know what
3 the exact solution is. However, we have several
4 relevant questions. Is the SLC 8 phone system we have
5 reliable or does it really need replaced with a
6 different engineering design? One of the
7 characteristics of this system seems to be that a small
8 problem anywhere in the neighborhood can affect many
9 customers. Another characteristic seems to be that
10 these problems are difficult to pinpoint.

11 Would replacing all the old lines in our
12 neighborhood increase the reliability of our service?
13 Some of our lines are over 30 years old. Our biggest
14 problem last year was we found in one of these old
15 lines.

16 Do field crews have the necessary staff,
17 training, and equipment to troubleshoot our system?
18 Eight months is too long to find a problem.

19 Number two, we expect to be credited for all
20 bogus calls billed to our account and for the days on
21 which we experience trouble. At the November 3rd,
22 1998, Commission meeting, U S West representative
23 stated that she had received our reviewed our account
24 and issued us some credit. Indeed a credit was posted
25 on our November 7th statement for \$11.67. However, we

1 expect a reconciliation of how she computed this
2 figure.

3 We expect U S West to review our records from
4 January 1st, 1998, to November 30th, 1998, and credit
5 as follows: All days when calls for service were
6 received, all 411 calls and trace activation calls, all
7 days when 411 or trace activation calls were recorded.
8 We expect this procedure to also be extended to the
9 other customers referenced in this testimony.

10 Number three, we expect U S West to inform
11 their customer service representatives that phone
12 troubles can cause bogus 411 and other calls to be
13 recorded. We expect U S West to provide us with a copy
14 of the memorandum to employees informing them of such.

15 Number four, we expect U S West to change
16 their trouble reporting procedures to reduce response
17 time and provide a more direct link between customers
18 and the repair technicians.

19 Number five, our original complaint asked for
20 \$500 reimbursement for associated stress and hassles.
21 We realize that the standard of proof for such a reward
22 likely requires evidence more specific than that which
23 we are able to provide, and such reward would also
24 likely be subject to considerable dispute. While we
25 still believe that such a settlement would be

1 warranted, we also believe that our energies and
2 resources would be better utilized concentrating on our
3 main goal, obtaining reliable phone service.

4 In summary, we believe that we have ample
5 evidence to show that U S West has been unreasonable by
6 failing to provide reliable phone service, that they
7 have acted unreasonably by blocking credit for
8 legitimate claims, and that the repair reporting
9 practices are unreasonable. We believe that we are
10 entitled to reasonable services. And we therefore ask
11 that the Commission require appropriate relief.

12 And I have included in this exhibit, as I
13 mentioned, a log detailing what I could document as the
14 documentable troubles during this time period. I
15 attached bills indicating when these bogus calls were
16 posted to our account. And I have a number of
17 questionnaires which were filled out by some of my
18 neighbors indicating answers to the questions I asked
19 them with reference to what kind of similar troubles
20 they had been having.

21 I'd like at this time to call Mr. Randy Klein
22 as a witness.

23 MR. WELK: Wait. Don't I get to
24 cross-examine? Are you done with your opening?

25 COMMISSIONER NELSON: I was going to ask

1 would you like to have the Exhibits 9, 10, and 11
2 admitted?

3 MR. MILTON KLEIN: Yes, ma'am.

4 COMMISSIONER NELSON: If no objection?

5 MR. WELK: 9 and 10 I have no objection. 11
6 I have no objection to the statement he just read and
7 the log he's done and his bills. I don't have any
8 objection. All of the questionnaires that he's
9 attached, I do have an objection, unless the people are
10 here that I can cross-examine them.

11 This would deny U S West a right to
12 cross-examine these witnesses. It's hearsay. So I
13 object to everything other than what his testimony is
14 or any other witness that he has here.

15 COMMISSIONER NELSON: I guess that I would
16 rule that we would admit 9 and 10 and take 11 under
17 advisement. We'll admit and take under advisement. So
18 they'll be admitted.

19 COMMISSIONER SCHOENFELDER: We could admit
20 part of it and have a discussion on the rest, could we
21 not?

22 MR. WELK: Madam Chairman, I don't object to
23 half the Exhibit 11, which is his testimony. The half
24 I'm objecting to are the questionnaires from others.

25 COMMISSIONER NELSON: Well, we'll admit 9.

1 10, and 11 in their entirety, and we'll take the part
2 you object to under 11 under advisement.

3 MR. WELK: Fine.

4 COMMISSIONER NELSON: So now Mr. Welk gets to
5 cross-examine; right?

6 Are you done with your testimony?

7 MR. MILTON KLEIN: I would add that several
8 of the people in these questionnaires are here present
9 today. Mrs. Baker is here, Mr. Randy Klein is there,
10 and Miss Regina Lamoureaux.

11 COMMISSIONER NELSON: What we agreed to do is
12 take all the testimony and admit it and then we will
13 take it under advisement with our legal counsel and
14 then we'll decide whether or not we have to leave any
15 of those out.

16 COMMISSIONER SCHOENFELDER: Those people
17 could be called to testify to verify their statements.

18 COMMISSIONER NELSON: Right.

19 Does U S West have any questions?

20 MR. WELK: Yes, I do.

21 CROSS-EXAMINATION

22 BY MR. WELK:

23 Q. Mr. Klein, my name is Tom Welk. I'm an
24 attorney from Sioux Falls representing U S West.

25 First of all, would you tell me what the

1 relationship is, the family relationship between
2 yourself and JoAnn Klein?

3 A. She's my mother.

4 Q. Is there any relationship between you and
5 Lawrence Klein?

6 A. He's my uncle.

7 Q. Is there any family relationship between you
8 and Mrs. Figert?

9 A. No.

10 MS. MARGARET FIGERT: God, I hope not.

11 MR. WELK: He may feel the same way.

12 Q. What about Sheryl Klein?

13 A. She's my wife.

14 Q. Now, in looking at your Exhibit 11, I want to
15 ask a couple of questions. First of all, are you
16 saying that the bogus calls, as you've called them, the
17 411 calls, do you believe you received all the credit
18 or not?

19 A. Not for all of it, no.

20 Q. What period of time do you believe you have
21 not received a credit?

22 A. That's difficult for me to determine. I can
23 tell you which calls that I asked for that I was
24 credited for. I can't tell you what Colleen credited
25 to my account back in November. I do not know what

1 that was for.

2 Q. Did you ever -- let's just -- did you ever
3 make any 411 calls?

4 A. No.

5 Q. So any time there appears a 411 call on your
6 bill, you would claim it's one of these bogus calls?

7 A. That's correct.

8 Q. And we don't have a problem going back and
9 checking it. Do you have all of your bills that
10 Colleen could go through to help the reconciliation
11 you've requested?

12 A. I have them with me, yes.

13 Q. So you could give those to Colleen and she
14 could -- if she could go through and look at those and
15 make sure all those credits have been removed. As far
16 as I am concerned, sir, no one is attempting to credit
17 you for those calls. So if you want to give those to
18 Colleen, you know, after the hearing and she can go
19 through and check and try to provide you with getting
20 those off your bill.

21 Has there been any other billing problems
22 other than the 411 calls?

23 A. Yes, there have been several. I just notice
24 the other day, and I included in my log, a call to
25 somewhere in New York.

1 Q. I saw that. That just came out of nowhere?

2 A. Absolutely. You'll notice that that's all
3 series of small numbers, 212-213-1111.

4 Q. So you've circled those on Exhibit 11?

5 A. Yes, sir.

6 Q. So we would have the 411 calls and the calls
7 that are on Exhibit 11 that you would contend were not
8 appropriate charges?

9 A. That's correct.

10 Q. Now, on your exhibit and going through your
11 log, that's Attachment One, I note that your attachment
12 completed on October 29th, or you had a report of phone
13 trouble and then February 1st there is an attempt that
14 you described today. Was there any trouble on your
15 phone line from October 29th to February 1st?

16 A. No.

17 Q. Did you make a trouble -- do you know what I
18 mean by a trouble report?

19 A. Yes.

20 Q. Did you make a trouble report for the
21 incident on February 1st?

22 A. No.

23 Q. So if we look at the company records from
24 October 29th, which was the hearing approximately -- I
25 believe the initial hearing before the Commission was

1 November 2nd. So since that until today, you've made
2 no trouble report on your line?

3 A. That's correct.

4 Q. Did you ever make trouble reports to U S West
5 for other people other than for your own line?

6 A. Yes, I did.

7 Q. And who would you have made reports for?

8 A. My mother, JoAnn Klein.

9 Q. Anyone else that you are aware of that you
10 made report trouble reports for?

11 A. I don't think so.

12 Q. Are you aware of anybody who made reports to
13 U S West for trouble on your line?

14 A. My wife reported to some from her office
15 phone at Mission.

16 Q. Other than your wife, did other neighbors
17 ever make any reports on your lines?

18 A. I don't think so.

19 Q. And I ask that only because the records
20 reveal that there was -- there were multiple reports
21 from time to time on the same line. A neighbor might
22 have tried to call you and not reached you and they
23 might have called in a report. Are you aware of any of
24 those type of reports where a neighbor who might have
25 tried to call you then called in a trouble report.

1 UNKNOWN SPEAKER: Yes.

2 COMMISSIONER SCHOENFELDER: She can't
3 answer. The people who are sworn have to answer, I'm
4 sorry.

5 A. I'm not aware of it, no.

6 Q. Has there ever been -- did you ever do any
7 home wiring in your residence or any of your out
8 buildings?

9 A. My phone doesn't go to my out buildings. My
10 wiring inside my residence is my wiring.

11 Q. Have you ever had any problems with that?

12 A. No.

13 Q. Now, one of the things that you have
14 requested is some response to repairs. Now, as I
15 understand in reading your statement, every time that
16 you have called, someone has been dispatched?

17 A. I believe that's accurate, yes.

18 Q. But your complaint is they haven't been
19 dispatched quick enough?

20 A. That's correct.

21 Q. And where are the technicians that are
22 dispatched from to your house, where do they reside?

23 A. Valentine.

24 Q. How far is your house from Valentine?

25 A. About 33 miles.

1 Q. And are the roads to your home from
2 Valentine, are they paved?

3 A. No.

4 Q. How many miles of the 33 miles of the roads
5 are paved to your place?

6 A. Approximately one. You mean paved as
7 blacktop?

8 Q. Right, blacktop.

9 A. About 11 and a half miles.

10 Q. So the last approximately 20 miles, are they
11 gravel or dirt?

12 A. Yeah, dirty gravel, yeah.

13 MRS. SHERYL KLEIN: They're posted at 35
14 miles an hour. That's a good gravel road it's not a
15 remote back country road.

16 Q. Do you have any engineering background?

17 A. No.

18 Q. So the question, what you are complaining
19 today, is about basically the service that existed
20 prior to October 29th, 1998?

21 A. No. On February 1st I had trouble again.

22 Q. But you haven't reported it?

23 A. No, I did not report it.

24 Q. Would you expect, if you had trouble, to
25 report it?

1 A. Would I expect someone if I had trouble to
2 report it?

3 Q. Let me start over. Would it be reasonable if
4 someone, if they had trouble, report it to the company
5 so they could try to fix it?

6 A. Perhaps.

7 Q. Well, how would U S West know, sir, if you
8 had trouble if you didn't report it?

9 A. Well, U S West is continuing to have trouble
10 with a number of my neighbors. And this just points
11 out the continuing unreliability of the phone service
12 is the reason I put this. I did not know whether this
13 was my neighbor's phone or my phone.

14 And, frankly, since this time, since this was
15 Monday, I've been busy preparing this testimony and
16 didn't take the time, I guess, to call U S West on this
17 problem.

18 Q. I'm not being critical you haven't had time,
19 sir. But how would you expect the company to fix the
20 line if you didn't report it?

21 A. I don't.

22 MR. WELK: I don't have anything further.

23 COMMISSIONER NELSON: Does the staff have any
24 questions?

25 MR. HOSECK: Yes.

CROSS-EXAMINATION

1
2 BY MR. HOSECK:

3 Q. Milton, could you explain to the Commission
4 and in referencing Exhibit 10, which is the Hidden
5 Timber neighborhood, exactly how you interact with your
6 neighbors as far as making a living and community of
7 interest? How does everybody get along out there and
8 how is a phone important in that relationship?

9 A. Well, we rely on our neighbors a lot for
10 help, for working cattle, and things of that nature.
11 Also, we have no rural fire service. If we have a
12 fire, we depend upon our neighbors to respond and
13 essentially help us put it out.

14 And we also rely on each other for medical
15 emergencies. I would have no qualms calling some of my
16 neighbors if there's something I couldn't handle. If
17 I'm gone and my elderly parents are at home, they could
18 call one of my neighbors to come help them.

19 Q. And what is the approximate distance from the
20 Jansens up to the Havemans? What would be that
21 distance in terms of mileage?

22 A. About two miles, a little over two miles.

23 Q. So that group of people is essentially living
24 within about a couple miles of each other?

25 A. That's correct.

1 Q. Have you ever had any fire emergencies where
2 you've had to call upon a neighbor?

3 A. Have we had any that we had to call
4 neighbors? There have been a number of them in the
5 community, yes.

6 Q. Could you give the Commission an example of
7 one of those situations?

8 UNKNOWN SPEAKER: Jim Whiting had a fire in
9 his house.

10 A. That was about two years ago, as I recall.

11 Q. And --

12 A. He lives about down here. (Indicating).

13 Q. Essentially, has this problem been going on
14 since about a year ago; is that correct?

15 A. Well, that's the major emphasis of the
16 problem as I referenced in here. We've had a number of
17 problems in prior years past. Frankly, this one has
18 been so burdensome on my mind that it's difficult for
19 me to focus on very far in the past because this has
20 been so troublesome.

21 I do have at least one witness who I expect
22 could testify that they've been having, that their
23 problems have been gone back a lot further than this
24 and also since this time. That's on this line.

25 MR. HOSECK: Okay. I have no further

1 questions.

2 COMMISSIONER NELSON: Do you have any
3 questions? Does anyone else have any questions?

4 COMMISSIONER SCHOENFELDER: I do.

5 COMMISSIONER NELSON: Commissioner.

6 COMMISSIONER SCHOENFELDER: You talk about a
7 SLC 8 system. How do you know that's a SLC 8 system?

8 A. That's what the repairman referred to it as.

9 COMMISSIONER SCHOENFELDER: I wanted to know
10 that, how you knew that, because you're not an
11 engineer. I wondered who told you that.

12 A. When he said engineering experience, that's
13 not formal training. Of course, when we live out here
14 in the rural and make our living with machinery and
15 stuff, we're jacks of all trades, so part of me is
16 engineering. If it's broke, then I'm the one that
17 fixes it.

18 COMMISSIONER SCHOENFELDER: Have you had the
19 inside wire at your home -- you said you wired it
20 yourself. Have you had that checked so you know that
21 there's no fault there?

22 A. No. But when the repairman come out, they
23 disconnect from my service, so I think essentially
24 probably the answer is, yes, they have eliminated that
25 as a source.

1 COMMISSIONER SCHOENFELDER: Okay. I also
2 want to know you talked about the 411 calls, but and I
3 went through your list rather quickly. Are there days
4 where you have no phone service at all?

5 A. Yes.

6 COMMISSIONER SCHOENFELDER: Do you have that
7 in here? If it's in here, I won't ask you a lot of
8 questions about it. I'll just read it for myself. It
9 would be in your attachment, your documentation?

10 A. Apparently we didn't record exactly when
11 those were.

12 COMMISSIONER SCHOENFELDER: And then, you
13 know, if you had no service at all, if you reported it
14 to U S West, did you get credit for that, or did you
15 not report the no service?

16 A. Again, at the Commission meeting on November
17 3rd, were told, I believe it was by Colleen, that she
18 had gone through our file and given us a credit and we
19 did get a credit. I don't know what she credited us
20 for, so we didn't ask. I didn't specifically ask a
21 representative for certain days of non-service other
22 than --

23 COMMISSIONER SCHOENFELDER: I wondered if you
24 were totally without service, if you did report the
25 total outs to U S West also.

1 A. I didn't report those, no.

2 COMMISSIONER SCHOENFELDER: Okay. Now, let's
3 go back before this year. And in the past have you had
4 a lot of outages there and you've just kind of ignored
5 them until they built up, or has this just started to
6 happen very recently?

7 A. I think we've had problems where our phone
8 had these ringing noises in the night and sometimes we
9 probably just ignored them.

10 COMMISSIONER SCHOENFELDER: But I guess I'm
11 worried about the ringing noises, but I'm a lot more
12 concerned about total outage where you don't have any
13 means of communication. Did that happen before the
14 last year that you've complained about, or has this
15 just happened in that last year? I'm trying to get a
16 handle on how much you've been without a phone.

17 A. Boy, I don't specifically recall. But I
18 would stipulate that if we had a complete outage, we
19 would have reported it.

20 COMMISSIONER SCHOENFELDER: Okay. Thank
21 you. I think that's it. Thank you.

22 MRS. SHERYL KLEIN: I'd like to add that
23 we've had periods of outages. It would be a few hours,
24 half a day, maybe even a day or two. And by the time
25 the phone came back on, we were so darned happy.

1 sometimes we wouldn't think to make a record of it.

2 MR. MILTON KLEIN: That was during this
3 period.

4 COMMISSIONER SCHOENFELDER: Did you report
5 those to U S West?

6 MRS. SHERYL KLEIN: Yes, yes.

7 COMMISSIONER SCHOENFELDER: That's what I
8 wanted to know if you reported to U S West.

9 MRS. SHERYL KLEIN: Sometimes it's hard to
10 report when your phone is out and the neighbor's phone
11 is out and the other neighbor's phone is out. I
12 wouldn't say a hundred percent of the time U S West was
13 alerted.

14 COMMISSIONER SCHOENFELDER: When U S West
15 people come out, were they are courteous? Did they try
16 very hard to --

17 MR. MILTON KLEIN: I had a good relationship
18 with the repairman that came out.

19 MRS. SHERYL KLEIN: He's friends with our
20 dog. Our dog is a mean dog. He barks at everybody
21 except him.

22 COMMISSIONER SCHOENFELDER: He must be a nice
23 guy.

24 MR. MILTON KLEIN: He's been there so often
25 the dog knows him.

1 COMMISSIONER SCHOENFELDER: Then I have to
2 ask you -- and I can ask U S West this when they did
3 it. But you have a 378 prefix. Is that -- I know
4 you're 605, so -- your area code, you're served out of
5 the Nebraska office, though; is that true?

6 A. That's correct.

7 COMMISSIONER SCHOENFELDER: Thank you.

8 COMMISSIONER NELSON: I guess I have a
9 question too. I just wanted to be clear in my mind
10 that I thought I heard you say that although you hadn't
11 really had problems from October 29th to January 31st
12 and February, the first of February, you did have a
13 problem?

14 A. That's correct.

15 COMMISSIONER NELSON: Did you also say that
16 other neighbors were having problems between October
17 29th and January 31st? So although you didn't have a
18 problem, others in your neighborhood did?

19 A. That's correct.

20 COMMISSIONER NELSON: Okay. Thank you.

21 MRS. SHERYL KLEIN: Maybe we just dodged the
22 bullet these last couple months and something will
23 happen this spring when things start getting wet again,
24 the ground melts.

25 COMMISSIONER NELSON: Okay. Thank you.

1 We're going to go off the record right now.

2 (A DISCUSSION WAS HELD OFF THE RECORD.)

3 COMMISSIONER NELSON: We'll go back on the
4 record. And you can call your witnesses.

5 MR. MILTON KLEIN: I would like to call
6 Mr. Randy Klein, please.

7 RANDY KLEIN,
8 called as a witness, being first duly sworn,
9 was examined and testified as follows:

10 DIRECT EXAMINATION

11 MR. RANDY KLEIN: Okay. Now, there were a
12 lot of questions about this time frame of January to
13 November. I'm afraid I'm going to have to inform you
14 that this has been an ongoing thing for years. You
15 know, any time you have anything, whether it be a
16 tractor, a car, whatever, it has problems.

17 Okay, so I've been out there and lived out
18 there for 20-some years at the place I'm at right now.
19 Okay. On the place I'm at, when you're talking to your
20 neighbors, "Well, aren't you ever home?"

21 "Why do you ask that?"

22 "Well, we call you, you know, you don't
23 answer your phone."

24 "Okay. Well, when did you call me?"

25 "Last night."

1 "Well, I was home last night, sitting there
2 watching TV or something."

3 Okay. So I went for that about two years
4 that I had the repair people out and they would come
5 out, you know. But like he says, when you have to call
6 Omaha or Des Moines and then they send a repairman out,
7 by the time they get the repairman out, the problem is
8 gone and they can't find it.

9 What they finally did, they gave me the local
10 number, must be down in the office in Valentine.
11 Okay. When the phone went out, I would get to a phone;
12 I would call them; they could come right out. They had
13 an outfit from Denver come out. They looked at it. It
14 was like about two years they worked on the problem
15 where they got to where I haven't had anybody asking
16 lately. That's been two, three, four years ago.

17 Okay. My latest problem -- and I didn't
18 realize that we had this 411 information number,
19 whatever it is. But back in December I had made
20 notes. They had sent me the forms that they had got
21 from the Public Utilities Commission to file a
22 complaint. Okay. They wanted a pretty detailed list.
23 I couldn't substantiate that. I didn't have -- I
24 didn't keep track of every time my phone didn't work.
25 So I thought, well, I better start.

1 Okay. So since, I think it was probably
2 October, that Milton said something to me about it, I
3 kept track. And on the third of November I went for
4 just that day without phone. Okay. I called it in.
5 My folks called it in. I went to their place, 23
6 miles. Okay. They called it in for me. And the guys
7 come out.

8 And, like I said, they're good when they get
9 notified, they come out and try to find the problem.
10 Okay. I didn't think anything more of it. I called it
11 in; they got it fixed. Well, then here comes my
12 December bill and I'm charged for three of these 411
13 calls that I did not know we could even make.

14 When we first started out with the first
15 phones, when we were on the eight-party line, you could
16 dial a number and get the time of day and get local
17 information. Those we had the little three digit
18 numbers, but I thought they were long gone. Right now
19 if you wanted long distance, you do the area code,
20 555-1212, and you get your information.

21 Okay. So I called and this, like I said, is
22 on my December bill. And my local carrier is MCI for
23 my long distance. And for my local long distance,
24 which I guess there's a difference, is U S West. These
25 were billed to AT&T, these 411 numbers. And I don't

1 know why, I called AT&T and I told them. They says,
2 "Okay, we'll take them off."

3 Okay. Then I called U S West and I told them
4 about the problem because this was the day that I
5 didn't have any phone service. And it was 12:47 in the
6 morning, 2:15 in the morning, 11:40 something in the
7 morning, you know, in the morning when a guy is
8 sleeping.

9 And so, anyway, I called that and then I
10 called U S West and I told them. "Well, we can't fix
11 that," they told me, "they're AT&T charges." And I
12 says, "I'm not asking you to fix the charges. I just
13 want you to be aware of the fact that it's happening."
14 Because, like I said, it was a day that I did not have
15 phone service and still these calls were billed to my
16 number.

17 Okay. And, like I said, AT&T said they would
18 remove them. Okay. Then I get my January bill, still
19 have the AT&T charges on there for these three 411
20 calls. Now, I don't know whether there's some paper
21 work time. I haven't given up. And I haven't
22 complained to them because I assume it's probably in
23 the process, my credit coming. And, like I said, it's
24 a lot easier to take three calls at \$1.10 than it is 21
25 of them.

1 So, like I said, it's not resolved yet, but I
2 haven't taken it -- you know, I'm waiting for the
3 system to work. And I assume it will because I've had
4 trouble before. There was one other time that I had
5 made a -- well, I got charged for a long distance call
6 that I can't for the life of me figure out who it was
7 to, but they said it was a direct dial call. It had to
8 be my call.

9 So I didn't argue with them because I have
10 more than just myself that uses my phone. You know,
11 the family operation, we were there milking cows for 20
12 years, you know, and I would have brothers, uncles,
13 whatever, I guess, brothers and my dad there. So I
14 couldn't for sure say, okay, this did not -- could not
15 be my call. And when they told me it was direct
16 dialed, I just assumed, you know, it had to be direct
17 dialed.

18 Okay. The other since that time then, I had
19 no phone service that day and got these calls. Then
20 come January of this year, '99, on the third and fourth
21 I had no phone service for those two days. Now, my dad
22 called it in again. Like I said, he comes down 'pert
23 near to every day. When he goes home, he called it in
24 for me.

25 Okay. So those two days I was without phone

1 service. I think it was probably 10 o'clock that night
2 and I received my first call. And it's not -- it's
3 kind of like the REA. You check like by flick the
4 switch. You know, yeah, I don't have it. If you don't
5 think of it, you grab the phone to check on something
6 and it's not there. So, you know, exactly when it came
7 on, I can't tell you.

8 The first call I received was 10 o'clock that
9 night. Okay, so then you know. I figured that's,
10 okay, that's fine, fixed. The 9th, that's five days
11 later here, we go again and pick up the phone and the
12 phone is out again for that day.

13 And so I called it in. And the guy come out,
14 but there again it was on a Friday. And it seems like
15 we have a lot of this weekend stuff, you know, and then
16 you wait until Monday before they can get somebody
17 out. And that day he came out. And I says, "Well, did
18 you find the problem?" He says, "Well, no, it's
19 working now." Well, I couldn't argue with him, it was
20 working so, you know.

21 It's this time frame, you know, where it
22 corrects itself. If it's moisture in these boxes,
23 eventually, I suppose, they would dry out and correct
24 themselves. But it still leaves you without a phone,
25 you know. And that was three days out of seven that

1 particular week.

2 And as far as the local guys, they come out,
3 you know, the repairmen. Last time he was out, I says,
4 "Well, what did you find to fix this?" He says,
5 "Well, you know, it's like this, it's an old, obsolete
6 system. We can't get parts for them. It's hard to fix
7 them." Well, I don't doubt that, you know. But when
8 you've got a tractor or something that you're baling
9 wire together for so long, eventually you have to break
10 down and buy a new one or do a major overhaul.

11 So I guess it's not a isolated January last
12 year to November of last year. It's not that. We've
13 fought this for years out there. For a few years, no
14 new system. We don't have any trouble. Odd little
15 things. But this is -- it seems like it's getting
16 worse. You know, like I said 30 years, it might be
17 time to do a little looking.

18 And other than that, I guess that's probably
19 all I've got on this right at the moment. Like I said,
20 you call them, the guys are very good at coming out
21 when they get the notice. But the fastest and best
22 service I got is when I had the local number; I could
23 call the repairman himself and they could bus out
24 there.

25 It takes them a half hour if I could call

1 them. But if I have to go through the main office and
2 they send them out, it can be a day or two. And by
3 then if the problem is corrected, you know, then they
4 don't know where to look. Because unless it's actually
5 broke when they come to look at it, they can't find it.

6 COMMISSIONER NELSON: Are you finished
7 questioning?

8 MR. MILTON KLEIN: No.

9 COMMISSIONER NELSON: Okay. U S West, do you
10 have any questions?

11 MR. WELK: Yes, I do. I want to get these
12 incidents in my mind.

13 CROSS-EXAMINATION

14 BY MR. WELK:

15 Q. First of all, Mr. Klein, are you related to
16 Milton Klein?

17 A. He's my cousin.

18 Q. Now, you haven't filed a formal complaint
19 with the Commission?

20 A. No, sir.

21 Q. So the first time that you have brought your
22 matter to the Commission and U S West is today?

23 A. Right.

24 Q. Your formal complaint?

25 A. I didn't bring a formal complaint, unless you

1 call this testimony formal complaint.

2 Q. But I'm saying other than the reports to the
3 local people, the first time that the Commission is
4 being made aware of your complaint and U S West is
5 today?

6 A. Right.

7 Q. Now, you stated on November 3rd you didn't
8 have telephone service; is that correct?

9 A. Right.

10 Q. And you said you reported that?

11 A. Right.

12 Q. And when was that repaired?

13 A. I don't have a calendar on me, whether that
14 was a Friday. It would have been the following Monday,
15 but it seems like it was a Friday, Saturday, because
16 they always tell me it will be fixed by five o'clock on
17 Monday.

18 Q. So it was repaired within the following
19 Monday then?

20 A. Uh-huh.

21 Q. Is that correct?

22 A. Right.

23 Q. Now, the 411 calls and the other that you
24 claim that you did not make, have you brought that to
25 the attention of U S West?

1 A. I've called them. The day I received the
2 bill I called them and told them these three 411 calls
3 were not my calls. We can't do anything about it
4 because they charged it to the AT&T. And I says I'm
5 not asking you to fix it. I just want you to be aware
6 of it because it was the day I didn't have service.

7 Q. Did they tell you they would remove the
8 calls?

9 A. They can't because it was to AT&T.

10 Q. That's what the representative told you?

11 A. Yeah.

12 Q. All right. Before you leave here, let's make
13 a copy of your bills and provide them to Colleen Sevold
14 who's here and let her look into that for you.

15 A. Okay.

16 Q. All right. Let her make a couple phone calls
17 for you and see what you have. Now, are you aware of
18 any other problems on the billing? I mean you told us
19 about the long distance call, but is the 411 calls that
20 you've talked about, are those the only billing errors?

21 A. That's the only -- well, I've called them
22 before. They've corrected them. But these are the
23 first I've ever got the 411. Like I said, I didn't
24 know we could dial them on our service even.

25 Q. All right. Now, in January of '99 you

1 indicated that you were out of service; is that
2 correct?

3 A. Right.

4 Q. All right. And you called it in and then
5 when they came out to repair it, then it was fixed? Is
6 that what you said?

7 A. The first time they -- it was like I said,
8 the third and my dad called it in. Okay. Then the
9 next morning my son tried to get me. He's in school,
10 college or school, in North Platte. Okay. When he
11 called that number and it won't go through, then it
12 will ring at my folks's house.

13 Okay. They got the call and dad comes down,
14 "Isn't your phone fixed yet?" And I said, "No."
15 "Why?" Well, they supposedly had it fixed at 11:00
16 o'clock that morning. Okay. I was there all day
17 working on tax papers and stuff, and I said you grabbed
18 the phone. You don't think about it. You just grab
19 for the phone, use it, and it's not there, so I knew it
20 wasn't working.

21 And I went and grabbed it when he came down
22 there then and picked it up and it was still dead as
23 could be. He said he could see tracks where the guy
24 walked out to the box at the end of the lane, the
25 driveway, and that's where these little boxes are that

1 they pull these cards out of.

2 Okay. He said he could see the tracks there
3 so he knew the guy had been out, but he had never come
4 to the house to see if my phone was actually working.
5 Now, I suppose he tested it out there. I don't know.
6 I didn't have a phone until that night again.

7 Q. So from when you noticed it you were out of
8 service until restored?

9 A. It was probably 7:00, 8 o'clock on the 3rd
10 until 10 o'clock on the 4th in the evening.

11 Q. Now, the number that you got at one time from
12 the local repairman, did he give you that number?

13 A. Right.

14 Q. Do you understand that the company cannot
15 give you the names of private homes unless the Court
16 authorizes it?

17 A. I don't know if it was the private home or
18 the office in town. I have no idea what number it
19 was. It was the number he wanted me to call so he
20 could get out and try to get the phone when it was not
21 working.

22 Q. Do you understand that the company cannot
23 give out the --

24 A. I have nothing -- I have -- I know nothing
25 about your policies.

1 Q. Let me finish my question and you get to
2 finish your answer.

3 A. Okay.

4 Q. Are you aware of a company policy that we
5 cannot give out, you know, the home telephone numbers
6 of employees without their permission?

7 A. No.

8 MR. WELK: I have nothing further.

9 COMMISSIONER SCHOENFELDER: Mr. Welk, if he's
10 going to furnish you with copies of his bill, could we
11 have those in the record also?

12 MR. WELK: Sure, if you want to mark it as an
13 exhibit?

14 COMMISSIONER SCHOENFELDER: I would at least
15 like them late-filed or something, if it's something
16 that has -- you know, that you're going to deal with. I
17 think it should be in the record.

18 A. And I've got copies if you want the copies.

19 (EXHIBIT NO. 16 WAS MARKED FOR
20 IDENTIFICATION.)

21 COMMISSIONER NELSON: Do you wish to have
22 them admitted?

23 COMMISSIONER SCHOENFELDER: No, I do.

24 A. I don't know. She asked for it.

25 COMMISSIONER NELSON: No objection, right?

1 MR. WELK: No objection.

2 COMMISSIONER NELSON: Okay. They'll be
3 admitted.

4 COMMISSIONER NELSON: Now, staff, do you ha
5 any questions?

6 MR. HOSECK: Yes.

7 CROSS-EXAMINATION

8 BY MR. HOSECK:

9 Q. Randy, I'm looking at Exhibit 10. Are you
10 the R. Klein that's on there?

11 A. That's me, yeah.

12 Q. Okay. Secondly, would you look at Exhibit 1
13 of the questionnaires?

14 A. Yeah.

15 Q. Are you the Randy Klein that signed that?

16 A. That's me.

17 Q. And did you complete that questionnaire?

18 A. Yes.

19 MR. HOSECK: At this time as to this
20 particular part of Exhibit 11, this witness is present
21 subject to cross-examination, has been cross-examined,
22 and I would move that this part of Exhibit 11 be
23 admitted into evidence.

24 COMMISSIONER NELSON: Is there any
25 objection?

1 MR. WELK: I need to read it. I just got
2 of these before beginning. I would just like to take
3 couple minutes to read his, please.

4 MR. WELK: I don't have any -- I don't have
5 any objections to the admission, but I may have some
6 questions arising from this exhibit.

7 COMMISSIONER NELSON: So they'll be
8 admitted.

9 COMMISSIONER NELSON: Are you done, Camron?

10 MR. HOSECK: I have no further questions.

11 COMMISSIONER NELSON: Does anyone else have
12 questions?

13 MR. WELK: I just have a couple questions on
14 the questionnaire.

15 RECROSS-EXAMINATION

16 BY MR. WELK:

17 Q. You indicated in the questionnaire that you
18 were three days out of seven with no service in a
19 one-week period. What period of time was that?

20 A. That was that 3 through 9 of January.

21 Q. January of '99. That's what you described in
22 your testimony?

23 A. Right. I think that's a seven-day period, or
24 eight something.

25 Q. The no service at all that's elicited, would

1 that be the times that you've testified to during
2 today?

3 A. There's been other times, but this is the
4 two. Like I said, I started documenting after, you
5 know, I saw what the complaint form looked like and
6 they wanted substantial documentation that I couldn't
7 provide before.

8 Q. What you're referring to the notice service
9 at all is what you've testified to today?

10 A. Yeah.

11 Q. Correct?

12 A. Right.

13 MR. WELK: I don't have anything further.

14 COMMISSIONER NELSON: Commissioner?

15 COMMISSIONER SCHOENFELDER: No, I don't have
16 anything further. I think you've answered them all.

17 COMMISSIONER NELSON: Do you have other
18 witnesses?

19 MR. MILTON KLEIN: Yes, I do. Call
20 Mrs. Regina Lamoureaux, please.

21 REGINA LAMOUREAUX,
22 called as a witness, being first duly sworn,
23 was examined and testified as follows:

24 DIRECT EXAMINATION

25 BY MR. MILTON KLEIN: Can I ask her some

1 questions and answers to her? Is that appropriate?

2 Q. Who was your employer?

3 A. Todd County School District.

4 Q. And what's your place of employment?

5 A. I'm employed at the Klein School as a teacher
6 aid.

7 Q. Are you also a customer of U S West?

8 A. Yes, I am.

9 Q. Is this questionnaire that's contained in
10 Exhibit 11 with the name of Regina Lamoureux, did you
11 fill this out?

12 A. Yes, I did.

13 Q. And so then these are your bills that are
14 attached to this?

15 A. Yes, they are.

16 Q. Okay. Could you please review for the
17 Commission the problems you were having, first of all,
18 with your home service that were referenced in this?

19 A. Okay. The first thing is the phone that
20 rings and dings or buzzes or whatever. It can happen
21 any time of the day or night. You pick it up and
22 there's either so much static, just static, or it's
23 dead.

24 Just go through this questionnaire? And then
25 now that has happened, that's been pretty much happened

1 at the same times that he mentioned he had times, from
2 last January through October. And during that time I
3 was charged on these directory assistance usage,
4 there's one for 6.60, there's one for \$3.00. And then
5 they kind of -- then I didn't have any for a couple
6 months.

7 And then July, my July bill, they have --
8 they billed me for 63 calls at 60 cents per call. Now,
9 my understanding of directory assistance, right, is you
10 call the operator, you ask for a number; right? Okay.
11 60 calls or 63 calls? There's no way I could have made
12 that. It's a rural area. I don't run a business from
13 here.

14 Now, I called their 244-1111 number and
15 called to Jake. I've got a note here. He referred me
16 to repairs. Or he said he would call repairs, and they
17 did. They called and said they would do a line check.
18 And they called a little later. I guess I didn't make
19 a note of it.

20 But they called, it must have been probably
21 the second week in August. A repairman called and said
22 he had gone out and checked the line and he thought
23 that there was moisture in it and maybe they needed to
24 just dry it out. But apparently they did that. I
25 don't know if they did or not because I was -- probably

1 by the time he did it, I was at work or probably wasn't
2 home if he stopped.

3 But those calls pretty much -- or I mean, I'm
4 sorry, I'm getting off track. This billing, I haven't
5 had any more since then, since I called and talked to
6 the billing department and they sent repairs out. I
7 haven't had any billing. But the bills they did, what
8 they did charge me for are still on my current bill as
9 of the last one, which would have been January of this
10 year. There's a 47.40 still on the box.

11 Instead, now I've got neighbors who have had
12 this happen to them. And one of them called and had it
13 -- they removed it from her billing. The other one
14 had to call a couple times and they did remove it from
15 her billing. I only called once because I assumed they
16 would eventually get it removed. They still haven't.
17 Now, I didn't pay the bill. I just deducted it and
18 paid -- I've just been paying my new charges. But that
19 47.40 is still basically there.

20 And that's my main complaint as a customer.
21 But then as an employee of Todd County School District,
22 I work at the school, and we have computers. And we
23 are supposed to have Internet, but we've had lots of
24 problem with it. It will -- they'll get it up, they'll
25 get it connected, it will run, the computers kids --

1 will get on the computers.

2 They'll run the Internet for maybe five, 10,
3 15 minutes and then all of a sudden it's down. So the
4 wait, you know, wait -- I don't know 15, 20 minutes, 3
5 whatever, and then the teacher will try it again to get
6 it connected back up so the kids can get on and use
7 it.

8 COMMISSIONER SCHOENFELDER: May I interrupt
9 and ask you are you talking about the Klein School or
10 the Todd County complex here in town?

11 MS. LAMOUREAUX: I'm talking about the Klein
12 School.

13 COMMISSIONER SCHOENFELDER: I wanted to make
14 sure we knew what you were talking about. Thank you.
15 Go ahead. I just wanted to clarify.

16 A. Other than that, the billing as a customer,
17 and then for the -- for our school, it's been very
18 frustrating. I know my teacher is very frustrated with
19 it.

20 Q. Have you also experienced at the Klein School
21 a similar type of outages and ringing that other people
22 have testified to?

23 A. Uh-huh, oh, yes, yes, I have.

24 Q. And during what time period was that?

25 A. That, I can't tell you for sure. It was this

1 fall we had an outage for, I think it was most of one
 2 day. And we really didn't realize it until I think o
 3 of the neighbors or one of the parents came to school
 4 and wanted to know why they couldn't reach us. And I
 5 don't remember who it was, but I remember that we were
 6 out for most of the day. I'd say three quarters of th
 7 school day. That's about all I can tell you about
 8 that.

9 MR. MILTON KLEIN: No further questions for
 10 this witness.

11 COMMISSIONER NELSON: You have no further
 12 questions; right?

13 Okay. U S West.

14 MR. WELK: Just a few, Madam Chair.

15 CROSS-EXAMINATION

16 BY MR. WELK:

17 Q. Ma'am, in looking at your questionnaire, you
 18 indicated in answer to the question, "Is your phone
 19 service working satisfactorily now?" You answered,
 20 "Right now, yes"; is that correct?

21 A. Yes, as far as I know, except that I wasn't
 22 aware of it, but I thought this dingling that happens at
 23 different times of the day, I hadn't picked up, I
 24 hadn't answered it and had that happen to me. But I
 25 found out from -- I was making this out for -- my

1 husband has been home during like the last couple
2 months that he's had that happen, but it doesn't happen
3 near as often as it did.

4 Q. Have you made any trouble report on that?

5 A. On this last one?

6 Q. The one that you just described that your
7 husband -- have you made a trouble report?

8 A. No, I didn't.

9 Q. I want to go back to your questionnaire and
10 some of your testimony. I wanted to ask you from the
11 period of time of approximately November 1st until
12 today, have you reported any trouble to U S West on
13 your line?

14 A. November, no, I don't believe so.

15 Q. The testimony that you were giving other than
16 just a couple minutes ago relate to a time period prior
17 to November 1st, 1998?

18 A. Uh-huh.

19 Q. You have to answer yes or no.

20 A. Yes.

21 Q. And as I understand the main billing
22 complaint that you have is this 47.40 that was carried
23 over; is that correct?

24 A. Yeah.

25 Q. Again, I will give a copy of this to Colleen

1 Sevold so that she can keep in contact with you and tr
2 to look into that for you to see if we can't get that
3 corrected. When would you get your next bill?

4 A. Probably the 15th of February.

5 Q. Now, the Klein School that you are employed
6 at, are you aware whether they have reported any
7 trouble on their line?

8 A. Yes, I believe they have.

9 Q. Have they reported any trouble since November
10 1st that you're aware of?

11 A. November 1st, I'm not sure. I couldn't
12 answer yes. I don't really know.

13 MR. WELK: Okay. Thank you.

14 COMMISSIONER NELSON: Staff?

15 MR. HOSECK: Yes.

16 CROSS-EXAMINATION

17 BY MR. HOSECK:

18 Q. Are you being charged any late charges as a
19 result of this, of the amounts that you disputed on the
20 bills, do you know?

21 A. Yeah, I think I was last month, last month
22 and this month I think I was, but I'd have to look.

23 Q. Let me go back a little bit to the Klein
24 School situation, the computers that the school has.
25 This is a rural school; is that correct?

1 A. Yes, it is.

2 Q. And what kind of computers do they have?

3 A. Mostly Macintosh.

4 Q. Are these used for student instruction --

5 A. Oh, yes.

6 Q. -- type of thing? And how did this school
7 come about getting these computers?

8 A. Well, through the Todd County School
9 District, I think every school has received -- they've
10 started with some of the old Apples and they upgraded
11 to Macintosh. And I think the last two we got are
12 iMac's, or iMac's, or something. I'm not exactly
13 computer literate.

14 Q. Was the school wired into the Governor's
15 program, do you know that?

16 A. Umm, I think so. I really don't know.

17 MR. HOSECK: I have no further questions.

18 COMMISSIONER SCHOENFELDER: I have a couple.
19 Commissioner.

20 COMMISSIONER NELSON: Commissioner.

21 COMMISSIONER SCHOENFELDER: The disputed
22 portion of your bill, the portion you don't think you
23 owe, have you informed U S West that you're disputing
24 that?

25 A. Yes, I did.

1 COMMISSIONER SCHOENFELDER: So they have been
2 aware? You called a number and told them that you
3 weren't going to pay that?

4 A. Yes, I did.

5 COMMISSIONER SCHOENFELDER: Until you
6 resolved something?

7 A. Excuse me, I didn't tell them, but I did --
8 there's a copy here of --

9 COMMISSIONER SCHOENFELDER: I saw that.

10 A. -- that I wrote to them and told them I
11 didn't think I should pay it.

12 COMMISSIONER SCHOENFELDER: So it is in
13 writing, so it is obvious that it is a disputed portion
14 of the bill. That's what I was concerned about. And
15 you don't know any more about the school whether -- is
16 there anybody here that could testify whether the
17 school --

18 MR. MILTON KLEIN: Yes, I have a witness.

19 COMMISSIONER SCHOENFELDER: Fine. I'll keep
20 my question for the school until then.

21 COMMISSIONER NELSON: Would you like your
22 questionnaire admitted into the record? It's part of
23 the objected-to part of the record.

24 MR. WELK: I don't have any more objection.

25 COMMISSIONER NELSON: So we should go ahead

1 and admit it. There will be no further questions.

2 MRS. SHERYL KLEIN: There was one question --
3 can I pose a question for Reggie?

4 EXAMINATION

5 BY MRS. SHERYL KLEIN:

6 Q. Reggie, could you address the other problems
7 the Klein School has related you and Mrs. Ebke, (sp)
8 the other staff, the concerns that you have?

9 A. Okay. I guess I just thought that was a
10 given. We're in a very rural area. We have 15
11 students, and we need the telephone. We need a
12 telephone, a reliable phone. If something happens,
13 it's not very likely because they are supervised, but
14 kids do have accidents. And we want -- we need to be
15 able to get ahold of those parents for an emergency,
16 some kind of emergency service.

17 Q. Reggie, do you know of instances where the
18 school teacher, Mrs. Ebke, has had to leave the school
19 where she's in charge, leave it to go to another place
20 to make a call because the phone is not operating at
21 the school?

22 A. Yes, I believe she may have had to do that in
23 this fall when the phone was out. Now, I don't
24 remember the exact dates it was out because I didn't
25 happen to write it down.

1 COMMISSIONER NELSON: Did U S West have any
2 cross?

3 MR. WELK: No.

4 RECROSS-EXAMINATION

5 BY MR. WELK:

6 Q. I just have one thing. The complaint that
7 you're bringing here today and the complaint about the
8 school has not been brought to the attention of the
9 Commission in this proceeding until today; is that
10 correct?

11 A. Right, yes.

12 COMMISSIONER NELSON: Any other questions?

13 MR. HOSECK: Nothing further by staff.

14 A. Can I say one more thing?

15 COMMISSIONER NELSON: Sure.

16 A. As far as the emergency, we need the phone
17 for emergency, you know, to call for an ambulance or to
18 call parents; and we also need it in case of a fire.
19 We're in a rural area. There's nothing but prairie
20 around the school. If a fire were to come in here,
21 come in there, we've got three of us with three
22 vehicles but, you know, it might create some problems
23 if we were to try to get those kids out of there
24 before, you know, before a fire.

25 COMMISSIONER SCHOENFELDER: How do the kids

1 get to school? Do parents bring them or by bus?

2 A. The parents.

3 COMMISSIONER SCHOENFELDER: Okay. So if you
4 have a snow storm and you need to send kids home, you
5 have to notify all the parents individually?

6 A. Yes. Every time the school is called out,
7 the teacher called every parent.

8 COMMISSIONER SCHOENFELDER: Thank you.

9 A. I guess that's it.

10 COMMISSIONER NELSON: All right. No other
11 questions?

12 MR. MILTON KLEIN: No.

13 COMMISSIONER NELSON: Do you have another
14 witness?

15 MR. MILTON KLEIN: I have two more
16 witnesses. Could I speak to one of my witnesses, how
17 long they can be here?

18 COMMISSIONER NELSON: Take five minutes.

19 (AT THIS TIME A SHORT RECESS WAS TAKEN.)

20 COMMISSIONER NELSON: Okay. We'll go back on
21 the record. And, Mr. Klein, you can call your next
22 witness.

23 MR. MILTON KLEIN: I would like to call
24 Mr. Robert Anderson, please.
25

1 ROBERT ANDERSON,

2 called as a witness, being first duly sworn,
3 was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. MILTON KLEIN:

6 Q. What's your occupation?

7 A. I'm a technology coordinator for the Todd
8 County Schools.

9 Q. Do you work with the computers at the Klein
10 School?

11 A. Yes, I do.

12 Q. Could you explain to the Commission some of
13 the problems that they've been having with their
14 Internet service?

15 A. Some of the problems we've been having with
16 the computers is they're hooked up via modem to come
17 from Klein back into town. They connect to our
18 district through a wide-area network so they can file
19 share, printer share.

20 And then we also provide them with their
21 Internet service because Todd County is their own
22 service provider. And at the Klein School and the
23 other surrounding schools, the Littleberg School is out
24 in this area, we've been experiencing problems. As
25 Regina said, they stay on five or 10 minutes and then

1 they drop. They stay on and then they drop.

2 And it's something that modems are more
3 selective than telephones about clarifying the
4 cleanliness of the phone lines. One of the problems
5 when we do have it, what we've tried to do, thinking a
6 different time of day -- say, do not call in certain
7 times. We thought maybe it was our equipment on the
8 other end.

9 But we have seven schools that are calling in
10 on our system, and I believe we have five that are
11 running in town through Golden West lines, and they're
12 staying on beautifully throughout the day. They
13 haven't bumped. They rarely have a disconnect. But
14 the ones that are out on, say, the U S West lines are
15 coming off, maybe staying on 10 minutes and dropping.

16 And it's hard because of the schools relying
17 on the Internet as one of their valuable educational
18 resources. We've tried to make other means for them to
19 come in to us by using 56 kilobyte modem lines, because
20 the schools are costing us about 30 cents a minute to
21 keep them on the phone, and they'll stay on between
22 four and eight hours a day. Granted, the disconnects
23 have made phone bills cheaper because they're not
24 staying on as much so you know, there's a by-product.
25 Thank you.

1 Okay. And then we've had schools come in
2 with about -- one school come in with a \$3,700 phone
3 bill. So what we have is the 56 kilobyte lines. They
4 brought us down to \$1,000 a month to have them
5 installed.

6 And we went with the South Dakota Network out
7 of Sioux Falls. We ordered them in October. And as we
8 kept going with South Dakota Network and saying,
9 "What's the matter, what's the matter," the final
10 thing was, "We're going to cancel your lines," they
11 said, "because U S West owned that territory and the
12 circuits can't accommodate those lines coming in."

13 And they said what happened is that -- this
14 is kind of hearsay by their part, so please correct me
15 if it's wrong because they'll definitely have the lines
16 put back in. And what they had said was the circuits
17 can't accommodate it and they can't make the upgrade to
18 do it.

19 For example, we had similar lines put into
20 Golden West, but Golden West is making the upgrades and
21 making it possible to have them. And it's something
22 that also you should be getting the school wired and
23 getting them on line because again it's a resource for
24 them and that's the upgrade problem is with the lines
25 and we've had those since I started the job in July.

1 And, you know, now in the summertime the
2 school isn't in session. But since September we've
3 been having the disconnect lines. But I would probably
4 say since about the first of year they've gotten
5 significantly worse. And we see the school about once
6 a week we go out there and service them and that was a
7 common complaint that the Internet is dropping off very
8 badly.

9 And it's a bank of 12 Macintoshes, if you're
10 familiar with the type of computers they are,
11 Macintoshes, and they are worth a few general outlay
12 funds and grant funds and things like that. So they're
13 varying in age from one that's, I believe, four years
14 old to one that's probably four months old as far as
15 the age of the computers.

16 MR. MILTON KLEIN: I have no further
17 questions.

18 COMMISSIONER NELSON: That completes your
19 testimony? Does U S West have questions?

20 MR. WELK: We would.

21 CROSS-EXAMINATION

22 BY MR. WELK:

23 Q. Just your testimony until right now has never
24 been a part of the record in this case?

25 A. That's correct.

1 Q. So the first time U S West is hearing this
2 and the Commission is today from you right now?

3 A. And the Commission as well, correct.

4 Q. How far are these schools that you have
5 between Todd County and the schools that are served by
6 Golden West, the distance, the geographic distance?

7 A. The geographic distance would be -- without
8 looking at the odometer?

9 Q. Let's talk about the Golden West office to
10 the schools.

11 A. Okay.

12 Q. The schools, other than the Klein Schools,
13 how far is it from the central office to Golden West to
14 those schools?

15 A. The central office to Golden West to Klein
16 School is 19 miles, or probably 18 miles. We're
17 logging it from town, so I believe that's 18 miles. So
18 Littleberg School, I believe it comes out at -- I'm
19 going to give you a ball park, probably 27 miles. To
20 the Lakeview School, I'm going to give you another ball
21 park figure, probably 30 miles, I believe. And from
22 Mission, the farthest school that we have covered by
23 Golden West under the 56 kilobyte line, I believe,
24 comes in at 26 miles. So I don't know if it's -- how
25 you can do it.

1 Q. Why don't you give me the name of the schools
2 that are served through Golden West and where they're
3 located?

4 A. Spring Creek School, which is located in
5 Spring Creek, just outside of St. Francis. And then
6 there is -- okay, then there's Rosebud Elementary,
7 which is located in Rosebud. Okay? Then there's
8 Okreek School, which is located in Okreek approximately
9 16 miles outside of Winner.

10 Q. I grew up in Winner so give me the names.

11 A. Thank you. And then there is He Dog School.

12 Q. That I don't know where it's at.

13 A. Right outside of Parmelee, yet farther out
14 the other beaten path. And then there's the in town I
15 believe one of -- the fifth is the Mission School
16 because it has to have one coming in to it. And I may
17 have missed one.

18 Q. You've got five, Spring Creek, Rosebud, the
19 Okreek, He Dog, and the Mission School.

20 A. That's correct.

21 Q. That's five. Then the two that you've talked
22 about, the Klein and the Littleberg?

23 A. Klein and Littleberg and Lakeview. We put in
24 the call to have the 56 kilobyte line installed in
25 October.. And I'm not sure if U S West covers Lakeview

1 or not. I believe someone said there was -- they did
2 or they didn't, so I never got a straight answer there

3 Q. So Klein, Littleberg, and Lakeview, you
4 believe, are U S West, in U S West territory?

5 A. That is correct. I was told that Klein and
6 Littleberg definitely are, but then someone had said
7 that possibly U S West was going to acquire from Great
8 Plains Lakeview.

9 Q. So that you don't know?

10 A. Right. The closest we got to Lakeview was
11 first they said they would do it and then they said the
12 ground is frozen so they told us to wait to spring.

13 Q. Spring Creek, Rosebud, Okreek, He Dog, and
14 Mission are all schools located in Golden West
15 territory?

16 A. That's correct.

17 Q. And Spring Creek and Rosebud, are they all --
18 strike that. Are all those schools served out of the
19 Mission office of Golden West?

20 A. I don't know. I went through -- I initially
21 made the order through Wall, and then I've been working
22 with a Mission office person through Golden West so I
23 would probably --

24 Q. Are there orders pending for the Klein,
25 Littleberg, and Lakeview Schools with U S West?

1 A. How we go through it is we order the lines
2 through South Dakota Network, who in turn brokers them
3 through Sprint. And their Sprint person is hoping that
4 U S West was about to put a cancel order in to them
5 about it because of lack of availability of the
6 circuits.

7 Q. And so all you have is hearsay through about
8 three people is what you're telling me on those orders

9 A. I also have an open bill for \$12,000 for the
10 lines, too, through South Dakota Network, yes.

11 Q. You've got a bill, but have you talked
12 directly with U S West or not?

13 A. No, I have not.

14 Q. You've been going through South Dakota
15 Network?

16 A. They're my person.

17 Q. You're the customer of South Dakota Network?

18 A. That's correct.

19 MR. WELK: That's all I have.

20 COMMISSIONER NELSON: Commissioner?

21 COMMISSIONER SCHOENFELDER: I don't think so
22 at this time.

23 COMMISSIONER NELSON: Staff?

24 CROSS-EXAMINATION

25 BY MR. HOSECK:

1 Q. Mr. Anderson, just in simplistic terms, to
2 get to the Klein School, to get computer service, is it
3 necessary to use the U S West system?

4 A. As far as the phone system?

5 Q. For the computers.

6 A. To get them Internet, yes, it is.

7 Q. So, in other words, would this be the same
8 line then that the people have been testifying to here
9 today they've had problems with?

10 A. Yeah, if it's the second phone line that's
11 been put in the school is all it is.

12 MR. HOSECK: That's all the questions I have

13 COMMISSIONER SCHOENFELDER: I have a couple
14 and I don't think they're pertinent to this case. But
15 is your school system part of the state system that
16 would be subject to the master contract with the state
17 of South Dakota?

18 A. We are, as far as the district as in the
19 master contract?

20 COMMISSIONER SCHOENFELDER: Yeah, for
21 telephone service.

22 A. I believe we would accompany it because we
23 were part of the wiring the schools project.

24 COMMISSIONER SCHOENFELDER: But you don't go
25 through the master contract to contract for your phone

1 services, you go through the South Dakota Network, so
2 you have another vendor other than the State of South
3 Dakota doing the master contract?

4 A. I think I would probably not be able to give
5 an answer on that.

6 COMMISSIONER SCHOENFELDER: I'm stumbling.

7 A. The reason we went through South Dakota
8 Network, though -- I can help you on that one. The
9 reason we went through the South Dakota Network is
10 because those are the three schools, Lakeview,
11 Littleberg, and Klein, are served out of a Nebraska
12 office. They're considered to be an out-of-state
13 school.

14 And what happened with it is Golden West
15 first of all said that they would not be able to cover
16 the service, and if they did, it would probably be an
17 exorbitant price of say 2,500 or \$3,000 or more. So by
18 going with South Dakota Network they were able to bid
19 the contract out to Sprint, who is, I believe, a more
20 global carrier, and they were able to trim the price
21 down. Example: A local kilobyte line costs \$125 a
22 month as opposed to the other \$1,000 a month.

23 COMMISSIONER SCHOENFELDER: That's really an
24 aside for the performance part.

25 COMMISSIONER NELSON: Does that conclude your

1 testimony?

2 A. Yes.

3 COMMISSIONER NELSON: No other questions?

4 You can call your next witness.

5 MR. MILTON KLEIN: I would call Pat Baker.

6 PAT BAKER,

7 called as a witness, being first duly sworn
8 was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY MR. MILTON KLEIN:

11 Q. I have a questionnaire in Exhibit No. 11,
12 Pat. Is this -- did you fill this out?

13 A. Yes, I did.

14 Q. Would you like to care to explain to the
15 Commission what your phone service has been like?

16 A. Well, most of it's -- when you listened to
17 Randy Klein, about the -- a lot of same type of
18 problems. We've had over the years ringing, nobody
19 there, a lot of buzzes in our phone, static.

20 In fact, you called me Monday morning, he
21 told you earlier in the testimony. I was the one he
22 called. And I picked up my phone and it was buzz and
23 he was -- I couldn't hear anything at all, so I hung
24 up. And later on he called; it was good. About noon
25 he called me.

1 Before I came today, at 12:30, my son from
2 Chadron State College, called me. He was talking,
3 static, and all of a sudden it did that real loud
4 buzzing, and I lost him, so I hung up too.

5 Let's see, what else? Same thing about
6 taking so long to get -- when you have to call the main
7 office, it does take them a long time, it seems like,
8 to get your service fixed. But when they fix it, they
9 do get out, and they're good people to work with.

10 My stuff is pretty much the same as Mr. Klein
11 earlier had about the fire emergency reasons and
12 business use. We have a ranch out there, so we do our
13 business from home. And we just would like to have a
14 dependable phone.

15 Q. Would you like this questionnaire entered
16 into the testimony?

17 A. Yes.

18 COMMISSIONER NELSON: Are there any
19 objections?

20 MR. WELK: I have no objection.

21 COMMISSIONER NELSON: It will be admitted.

22 MR. MILTON KLEIN: I have no further
23 questions.

24 COMMISSIONER NELSON: U S West have any
25 questions?

1 MR. WELK: Yes.

2 CROSS-EXAMINATION

3 BY MR. WELK:

4 Q. Could you tell me where you live on that
5 map? I guess I'm trying to find out where you live,
6 ma'am.

7 A. (Witness indicating.)

8 Q. You're under the map under the Bryan and
9 above Whiting; is that right?

10 A. Yes, sir.

11 Q. Now, were you listening when I asked some
12 questions to Mr. Randy Klein about have you seen any
13 difference in the service from approximately November 1
14 until this last incident that you had today?

15 A. Just our normal scratchy noise more than
16 anything. And I didn't bring my paper, but I did have
17 two of those long distance phone they're --

18 Q. The 411 calls?

19 A. Mine went to AT&T, was our carrier. I just
20 called them and they said, "Okay, we'd give you
21 credit," and they did right away. That's the only
22 thing. I haven't had the 411 on my bills.

23 Q. What I want to ask about your service,
24 though, because you'll hear testimony later from U S
25 West, I want to talk about the period from

1 approximately November 1st until today. All right?
2 First of all, you never filed a complaint with the
3 Commission, have you?

4 A. No.

5 Q. Today, again, is your first time that you
6 brought any problems you've had to the Commission;
7 correct?

8 A. Yes.

9 Q. Have you reported trouble to U S West?

10 A. Over the last years?

11 Q. Yes.

12 A. Yes.

13 Q. Have you reported any trouble since November
14 1st until today to U S West?

15 A. No.

16 Q. So the company records should show there's
17 been no reports to them from you regarding your phone;
18 is that correct?

19 A. That's right, yes.

20 MR. WELK: I have nothing further.

21 COMMISSIONER NELSON: Staff?

22 MR. HOSECK: Nothing from staff.

23 COMMISSIONER NELSON: Commission?

24 COMMISSIONER SCHOENFELDER: The only thing
25 I'd like to ask you is the most important thing you

1 want here is just good reliable phone service?

2 A. Yes, that you can talk and get some answers.

3 COMMISSIONER SCHOENFELDER: Thank you.

4 COMMISSIONER NELSON: Do you have any other
5 witnesses?

6 MR. MILTON KLEIN: No, ma'am, that's all I
7 have.

8 COMMISSIONER NELSON: JoAnn Klein will be
9 next.

10 JOANN KLEIN,
11 called as a witness, being first duly sworn,
12 was examined and testified as follows:

13 DIRECT EXAMINATION

14 MRS. JOANN KLEIN: This is where I live
15 (witness indicating.) We live about four blocks from
16 where Milton -- you might say where Milton's have. And
17 we are the tag end of that spur. The phone comes in
18 from his house and then down to ours and then that's
19 it. So any time he has problem, or the phone in his
20 area, we also have.

21 And this is a format of a letter I wrote to
22 the Commissioners -- I re-did a little bit of it -- for
23 an example of our situation and my problems. Excuse
24 me, sir, anybody else? (Handing out exhibit.)

25 My husband, Cliff, and I are both in our

1 seventies. We decided to spend our retirement years at
2 home on the ranch. The major factors were the love of
3 our land, the nearness of our son Milton and his
4 family, and dependable electric and phone service.

5 Both Clifford and I have had major medical
6 problems. I've had heart bypass; he's had several
7 strokes. It is essential that we have access to
8 emergency help. Although Milton lives fairly close, we
9 have to get to him and that would be by phone, so we
10 need dependable phone service.

11 This past year our phone service has not been
12 dependable. Had I known that the outages would become
13 increasingly frequent and that we would have to resort
14 to the Public Utilities Commission for help, I would
15 have logged more events.

16 One especially horrible session I am
17 describing on here: On Friday, September 25th, we had
18 a light rain shower. Saturday morning I was awakened
19 by the low level ringing of our phone. No one was on
20 the line. Went back to sleep at 5:30. The phone
21 rings. I got up and heard, "I'm sorry, but your call
22 cannot be completed as dialed. Please hang up and call
23 again." Well, I hadn't called anybody. Then every
24 five minutes the phone started ringing, but I ignored
25 it.

1 8:30 I made a long distance call. On
2 Saturday is when we call our various relatives to
3 visit. And we got a call at 9:15. No one was on the
4 line. 9:00, it was a chopping ring. No one was on the
5 line. I tried to call out, but now the line was dead.

6 Sunday morning, 1 o'clock in the morning,
7 awakened by a single loud ring. No one on the line.
8 It repeated again and again every five minutes. I
9 think that's this billing here, is the seven bills,
10 again, for which we were billed. I've got some more
11 back there.

12 MR. WELK: Can we identify for the record
13 what we're getting, exhibits, what numbers these are?

14 MR. BULLARD: The statement would be Exhibit
15 13.

16 COMMISSIONER NELSON: And the phone bills
17 would be Exhibit No. 15.

18 MRS. JOANN KLEIN: So all that night every
19 five minutes the phone was ringing. I got up and went
20 and put pillows over the phone and couldn't sleep. At
21 7:30 my husband was up. He answered the phone and
22 heard U S West, "This is," someone's name, "how may I
23 help you?" The line went dead before he could respond,
24 and then it went on and on and we had various rings,
25 various names. At eleven o'clock a Tweety bird ringing

1 was stopped and the phone seemed to be working. Sunday
2 afternoon our son, who lives in Texas, calls every
3 weekend, said he had been trying all morning to reach
4 us with no luck. "Where were you?"

5 On October 1st, after a number of calls for
6 service had been made to U S West, most of the service
7 calls were made -- our phone was out so Milton knew
8 about it and so Sheryl would call, or he would go
9 someplace or call. He would handle it for us. So we
10 didn't bother to make a service call too.

11 Then a repairman and his supervisor spent one
12 afternoon working on our lines, Milton and ours. They
13 stopped at the house and said, "We think we've got it
14 fixed." Clifford was sitting in his chair. He picked
15 up the phone; the phone was dead. He worked on phones
16 when he was in the service; and he said, "You got a
17 short somewhere, fellas."

18 And they returned then Friday, the 2nd, and
19 spent all day working. They called Friday afternoon
20 and said he thought he had found and fixed our problem,
21 a connection, instead of having a cap, had a plastic
22 sack similar to a garment bag wrapped around it. When
23 it rained, moisture apparently leaked in.

24 He asked us to call him Monday. He gave us a
25 phone number, as Milton -- sometimes he gave him a

1 number. He said, "Call me Monday and tell me how
2 things are going."

3 All right. On Saturday, October 3rd, the
4 phone was emitting strange pinging noises. No one on
5 the line. Late that morning, Saturday again, our son
6 called from his home in Texas, and the connection was
7 good. However, by noon the phone had reverted to its
8 funny business again. Most of the time it was dead.
9 The rest of the day we were unable to call out or
10 receive calls.

11 Your records should show, but I estimate that
12 this past year we've had at least two outages a month.
13 They occur most frequently when it snows or there's
14 snow melting. At times the phone is dead; at other
15 times we've been unable to call out. We've had long
16 distance calls both called in and out cut off. We've
17 been billed for numerous calls we did not make -- I've
18 heard 411 lots of times this afternoon -- and services
19 we did not use. At times have been static so bad we
20 couldn't understand the caller or they us.

21 Each time we've been out of service for at
22 least two days. Repairmen have told us the problem is
23 the box five miles south of you. That's by Mrs.
24 Lamoureaux, this. The problem is with the line coming
25 into your place from the north and so forth. I

1 conclude that problems have been all of the above and
2 more.

3 For Clifford and I, dependable phone service
4 is critical. A year and a half ago I fell at home,
5 injured my back, and we had to call for an ambulance.
6 The phone was working that day. We frequently call our
7 druggist for renewal of prescriptions to be mailed out
8 to us 45 miles from Winner; about that far from
9 Valentine. Clifford takes a blood thinner medication
10 that requires a blood test every three weeks. It takes
11 48 hours for this test to be sent away and to be read
12 and for the doctor to get back to us. The doctor then
13 calls Clifford with directions for adjusting his
14 medication.

15 A fire was mentioned today. We depend upon
16 each other. Patsy Baker forgot to say the last fire in
17 the neighborhood they called because it was an
18 electrical fire and hay bales were afire just north of
19 where we live.

20 What we want from U S West is repair or
21 replacement of the problem lines without delay, and we
22 want credit for phone bills not made but for which we
23 have been billed and credit for those days which we did
24 not have service, or for which service was sporadic.

25 After this interesting weekend I saw this in

1 the Omaha World Herald, and I would like to have it
2 admitted as evidence. (Exhibit 14) I will send you an
3 extra U S West advertisement. And I think there's a
4 question concerning truth in advertising. That was my
5 opinion when I read that.

6 Any questions?

7 COMMISSIONER NELSON: Any questions?

8 MR. WELK: Yes, I do.

9 A. Yes, sir.

10 CROSS-EXAMINATION

11 BY MR. WELK:

12 Q. Have you ever had an emergency where your
13 phone didn't work?

14 A. No, thank God.

15 Q. Let's talk about your 411 calls. Have you
16 told U S West that you want these removed from your
17 bill?

18 A. My husband, who pays the -- writes the checks
19 for those, has. And some of them, you notice on one of
20 them it said it paid, but they have not all been paid.
21 We have not received credit for all of them.

22 Q. I'm having a difficult time understanding.
23 Have you received credit for some and others you have
24 not?

25 A. That's right.

1 Q. Have you withheld payment from your bills for
2 the calls you don't think you made?

3 A. Milton, did he?

4 MR. MILTON KLEIN: Can I answer that?
5 According to my father, he has, and he claims that some
6 of them he hasn't been reimbursed for.

7 Q. We're going to give these to Colleen Sevold
8 and see if she can contact and find out whether you've
9 received credit or not.

10 A. Thank you.

11 Q. All right?

12 A. Yes.

13 Q. Have you made -- when you've had trouble on
14 the line, I want to talk about that. Have you called U
15 S West?

16 A. Well, sometimes I have, especially the
17 billings. But how can I call U S West when I got to go
18 to one of the neighbors and one of the neighbors -- my
19 closest neighbors is my son and his phone is out too.

20 Q. Have you attempted at any time to report
21 trouble on your line to U S West.

22 MR. MILTON KLEIN: Can I speak?

23 Q. Let her answer first and then we'll -- just
24 yes or no?

25 A. No. When there's trouble I can't use the

1 phone so how can I report trouble?

2 Q. But sometime -- well, I want to talk about,
3 first of all, since November 1, '98, to today, have you
4 had any problems with your line?

5 A. Was that when they came up and dug up your
6 yard the last time?

7 MR. MILTON KLEIN: November 3rd was when we
8 talked on the phone to the Commission, had the phone
9 conference to this issue.

10 A. I don't think we've had major problems since
11 then.

12 Q. Have you reported any problems since November
13 3rd?

14 A. Not that I recall.

15 Q. When you have had problems -- and most of the
16 problems you're talking about occurred before, then,
17 the November 3rd hearing date; correct?

18 A. Yes.

19 Q. All right. And I understand did you have
20 phone outages at times?

21 A. After that date.

22 Q. No, before that. You've told us you didn't
23 have anything after. Now I'm going back to where
24 November 3rd.

25 A. Oh, yes.

1 Q. Where you were completely out of service?

2 A. Yes.

3 Q. When was eventually your service restored?

4 A. Well, very often it happened like on Friday,
5 then it -- they didn't come out until Monday.

6 Q. But was the service, when you're out,
7 restored the following Monday?

8 A. Yes.

9 Q. You reported then in those instances,
10 otherwise they wouldn't have known you were out?

11 A. They have been reported if Milton had called
12 in and said our phone was out, they automatically knew
13 ours was too.

14 Q. Did you make any reports prior to November
15 1st, 1998, other than for outages of phone?

16 A. Yes, I've talked about billing and the Denver
17 office can't understand, "well, that's a South Dakota
18 area code, you live in Nebraska, what's going on," you
19 know. It kind of got --

20 Q. Well, the billing we'll get straight. I want
21 to know about your phone service prior to November
22 1st. All right, other than billing and other than the
23 fact that when you didn't have service. Did you report
24 to U S West the scratchiness on the line or anything
25 that you've testified to or put in your statement?

1 A. I don't recall much scratchiness. It was
2 either out or it was these strange rings that
3 eventually was part of being cut off. When it was
4 working, the quality was satisfactory.

5 MR. WELK: I don't have anything else,
6 ma'am. Thank you very much.

7 COMMISSIONER NELSON: Would you like the
8 Exhibits 13, 14, and 15 be placed on the record?

9 A. I would.

10 MR. WELK: No objection.

11 MR. HOSECK: No objection.

12 COMMISSIONER NELSON: They will be admitted.

13 COMMISSIONER NELSON: Staff, do you have any
14 questions?

15 MR. HOSECK: No questions.

16 COMMISSIONER NELSON: Commission?

17 COMMISSIONER SCHOENFELDER: I have a little
18 bit of one. Your phone is like an extension on your
19 son's, or it's just on the same line?

20 A. It's on the same line, but the line comes
21 into his place, comes down to our place, then it
22 stops. We're kind of a dead-end, you might say.

23 COMMISSIONER SCHOENFELDER: But it doesn't
24 ring at his house and your house at the same time?

25 A. No, ma'am.

1 COMMISSIONER SCHOENFELDER: That's what I
2 wanted to know. Thanks.

3 COMMISSIONER NELSON: Do any other parties
4 have questions?

5 MR. MILTON KLEIN: I have a question. When
6 your phone is out, do you -- and I report the outage,
7 do you assume that that also includes reporting your
8 outage?

9 A. Yes.

10 MR. MILTON KLEIN: Okay.

11 COMMISSIONER NELSON: Any recross?

12 MR. HOSECK: No.

13 MR. MILTON KLEIN: Lawrence Klein.

14 LAWRENCE KLEIN,
15 called as a witness, being first duly sworn,
16 was examined and testified as follows:

17 DIRECT EXAMINATION

18 (EXHIBIT NO. 17 WAS MARKED FOR
19 IDENTIFICATION.)

20 COMMISSIONER NELSON: Go ahead.

21 MR. LAWRENCE KLEIN: For the sake of taking
22 up time, I think people can read this. And as far as
23 I'm concerned, we've had lots of trouble prior to your
24 November 3rd report, but since then I don't think I've
25 had any.

1 But I've reported my son's outages several
2 times. I get the job of doing that. I think that's
3 probably all I got to say other than what you've got in
4 front of you.

5 COMMISSIONER NELSON: Does U S West have any
6 questions?

7 CROSS-EXAMINATION

8 BY MR. WELK:

9 Q. And I appreciate you trying to save time. We
10 can read. The report you said about your son's phone,
11 have you had -- have you made any report since the
12 November date?

13 A. Yes, yes.

14 Q. That's Randy?

15 A. Right.

16 Q. So it's the same thing he's testified about?

17 A. Right, right.

18 Q. Have you had any times when you couldn't make
19 a phone call in an emergency?

20 A. I don't believe so, no.

21 MR. WELK: I have nothing further.

22 COMMISSIONER NELSON: Staff?

23 MR. HOSECK: Nothing from staff.

24 COMMISSIONER NELSON: Commissioner?

25 COMMISSIONER SCHOENFELDER: I don't think

1 so. I think this statement kind of covers it. You
2 don't have anything further to add?

3 COMMISSIONER NELSON: Other parties, do you
4 have any questions?

5 MR. MILTON KLEIN: No.

6 COMMISSIONER NELSON: Do you want to enter
7 Exhibit 17 into the record?

8 MR. LAWRENCE KLEIN: Yes.

9 MR. WELK: No objection.

10 MR. HOSECK: No objection.

11 COMMISSIONER NELSON: It will be entered.

12 Okay. I guess we'll move on to Margaret
13 Figert.

14 MARGARET FIGERT,
15 called as a witness, being first duly sworn,
16 was examined and testified as follows.

17 DIRECT EXAMINATION

18 MS. FIGERT: I have little to add, and I'll
19 also save time.

20 I moved to this area in 1982 and am the last
21 hookup for U S West. The neighbor immediately to the
22 north of me is hooked up to Golden West. I've reported
23 numerous outages. And I think probably because of the
24 nature of the business I'm in, I probably have a little
25 thicker hide, I didn't write any of it down. I just

1 figured I'll report it, it will work, and it would for
2 a day or two.

3 We leave home frequently at 7:00 in the
4 morning. We don't get home until 11:00 o'clock at
5 night. If I don't have phone service, I don't even
6 know it.

7 Weekends were troublesome. We moved off the
8 place in 1987. Moved back out there in 1995. The
9 reports that I made to the central office, I think,
10 were in Des Moines; and they sent the repairmen out
11 from Valentine consistently. I was always warned that
12 any wiring problems inside my house would be my
13 responsibility and my cost. Repairmen never found any
14 inside my house. They were always at junction boxes.
15 They were repaired.

16 The only problem I've had since November was
17 being cut off in the middle of a phone conversation.
18 And, again, I should have a little thinner hide. I
19 should record this stuff, I guess. I just redialed and
20 finished my conversation.

21 At one point prior to November 1st, right
22 after I moved back out there in 1995, I was on a phone
23 conversation, a modem to modem over the Internet with
24 my granddaughter. It took 12 telephone calls to finish
25 the conversation. I paid the bill.

1 I have complained periodically to U S West.
2 They have responded. They have responded. But the
3 static, the scratchiness, the outages are real, and
4 were fairly consistent up until last fall.

5 My involvement in this is probably because I
6 figure come spring, we're going to have problems again
7 as soon as the ground thaws and things get wet. I have
8 the advantage of when we have an outage, driving into
9 my office in town in Mission and reporting the problem
10 from my phone service in Mission at my office, which is
11 hooked up to Golden West.

12 I would dearly love to work part-time, which
13 means taking the Macintosh laptop that I own home and
14 doing my typing while I'm also making pumpkin pies or
15 whatever, and then transmitting that data to my office
16 to the other McIntosh so that the type-setter can
17 finish setting the type for matting the stories and
18 getting them ready for the printer. I can't do that,
19 obviously. I don't know that my life is necessarily
20 suffering because of it, but I'd love U S West a whole
21 lot more if I could.

22 I would like to enter into an exhibit a
23 photocopy I made. I have Golden West's territory,
24 which shows clearly where they do not have territory,
25 and that is our area.

1 COMMISSIONER NELSON: Is there any
2 objection?

3 MR. WELK: Can I look at it first, please?
4 (EXHIBIT NO. 18 WAS MARKED FOR
5 IDENTIFICATION.)

6 COMMISSIONER NELSON: Where are you at on
7 this?

8 A. My guess is in that white area at the bottom
9 center area of the map between the gray and the black.
10 As I suggested in my complaint, I would like to see U S
11 West either sell out to Golden West or, you know,
12 invest some money into this system.

13 One more thing, this happened twice. I had
14 bills from both U S West and MCI for identical phone
15 calls made to the same person, same date, same time.
16 Reported it to U S West. They kind of -- it was not
17 their problem, when in fact it was. Because MCI was
18 supposed to bill me for those calls, so I called MCI.
19 They were the ones who should have billed me and whom I
20 should have paid. They took it off my bill and
21 satisfied the checkbook so I didn't go any further with
22 it and actually I should have paid MCI for it when they
23 gave me credit, for U S West didn't want to give me
24 credit for it. And, again, I didn't record it. I was
25 satisfied. I thought that's all it would take. It

1 hasn't happened since.

2 COMMISSIONER NELSON: Does that conclude your
3 testimony?

4 A. I think so.

5 COMMISSIONER NELSON: Does U S West have any
6 questions?

7 MR. WELK: Yes, Madam Chair, I do.

8 CROSS-EXAMINATION

9 BY MR. WELK:

10 Q. Is it pronounced Figert? Is that your last
11 name?

12 A. Right.

13 Q. I gather you work for a newspaper. Is that
14 what you do?

15 A. I try.

16 Q. What is your -- for whom do you work for and
17 what's your position?

18 A. I'm the owner. I work for myself.

19 Q. What's the name of the newspaper?

20 A. The Todd County Tribune at Mission and the
21 Mellette County News at White River.

22 Q. You filed a complaint in this action with the
23 Commission after the November 3rd conference call;
24 correct?

25 A. Yes.

1 Q. Did you have a complaint on your service --
2 or strike that. Since November, approximately November
3 1st, 1998, to the present date, have you had any
4 trouble with your phone service?

5 A. I was disconnected in the middle of a phone
6 call on two different occasions.

7 Q. When was that?

8 A. I believe one was in November. I think they
9 were both in November, later on in November.

10 Q. Did you report that as a trouble report?

11 A. No. I re-dialed and got back on line. I was
12 happy.

13 Q. Was that a local or long distance call?

14 A. Long distance.

15 Q. So as far as U S West records would reveal
16 then since November 1st is there wouldn't have been a
17 report on your trouble line?

18 A. There shouldn't be, no.

19 Q. Let's talk about 1998, prior to November 1st
20 1998. Did you make any trouble reports prior to that
21 date to U S West?

22 A. Yes.

23 Q. For your phone service?

24 A. Yes.

25 Q. How many did you make and what were the

1 nature of the complaints?

2 A. I don't remember how many I made. Five, six
3 seven, eight. The nature of the complaints were
4 outages.

5 Q. Were you completely out of service?

6 A. Yes, sir.

7 Q. And for what periods of time?

8 A. Weekends were particularly troublesome. I
9 would be out definitely on a Friday and then would wait
10 until Monday for service to be restored. Times during
11 the middle of the week, again, sometimes we'd leave at
12 7:00 in the morning; we don't get home in the evening
13 until 8:00 at night. If we didn't have phone service
14 that day, I wouldn't know it. But the times I do know
15 of, yes, I do report them.

16 Q. I was trying to listen. You said you moved
17 back in the area in '95?

18 A. Yes, sir.

19 Q. So you've resided continuously at the place
20 where you're talking about for phone service since
21 1995?

22 A. Yes, sir.

23 Q. Did you see these outages that you were
24 describing in 1998 -- was there a particular time of
25 the year, or was it from essentially the beginning of

1 the year prior to November 1st?

2 A. No, not essentially from the beginning of
3 1998. It was prior to 1998.

4 Q. Was there a particular period of time? Was
5 it a fall or winter?

6 A. Spring, spring.

7 Q. Spring of '98 that you had these outages?

8 A. As the ground thaws, yes.

9 Q. Maybe I misheard you. Was this the spring of
10 '98 that you reported these outages or prior to '98?

11 A. Both.

12 Q. So you had --

13 A. Definitely prior, definitely prior.

14 Q. In '98 or the prior year?

15 A. From 1995 to 1998 I've probably reported five
16 to eight outages.

17 Q. Thank you. And then now during 1998, prior
18 to November 1st, how many reports of outages did you
19 have?

20 A. I don't think any, not very many, maybe one.

21 Q. So if the company records for the calendar
22 year '98 should show maybe nothing or one report of
23 trouble --

24 A. I would assume that's correct.

25 Q. And so the outages you were talking about

1 essentially would have been this '95, '96, '97 time
2 period?

3 A. Yes, sir.

4 Q. And I take when I read your complaint, are
5 you saying you want to be a Golden West customer?

6 A. That's a loaded question.

7 Q. That's a simple question.

8 A. Will you sell to them?

9 Q. I can't answer your question.

10 A. I can't answer those questions. They can buy
11 you out.

12 Q. The question is what do you want to do? Do
13 you want to be a U S West customer or Golden West
14 customer?

15 A. Right now today I would rather be a Golden
16 West customer unless you have better service.

17 Q. Do you know there's a process for you if you
18 want to be served by Golden West?

19 A. I am not aware of that process.

20 Q. We'll have a little bit of explanation. You
21 happen to be a little bit out of the exchange
22 boundary. You're a little different than the rest.
23 Mr. Peters will explain that to you. I just wanted to
24 make sure that if it was legally possible to do so, you
25 would be rather be served by Golden West?

1 A. Absolutely.

2 Q. How close is the closest neighbor you have
3 that's served by Golden West?

4 A. About a half mile.

5 Q. Which direction?

6 A. North.

7 Q. So you want to turn around and see that
8 exhibit that's behind you? I think it's Exhibit 9.
9 that kind of green map. It says Figert over there. Is
10 that approximately where you live?

11 A. Correct.

12 Q. So the neighbor you're talking about would be
13 north of that?

14 A. That's right.

15 Q. About a half mile?

16 A. Correct.

17 Q. And who is that neighbor?

18 A. Mike Osmond. (sp)

19 Q. He's served out of Golden West?

20 A. Yes, he's the last.

21 Q. He's served out of what office, do you know?

22 A. Wall and Mission.

23 MR. WELK: I have nothing further.

24 COMMISSIONER NELSON: Staff?

25 MR. HOSECK: Nothing from staff.

1 COMMISSIONER SCHOENFELDER: I don't have any
2 questions.

3 COMMISSIONER NELSON: We did admit this,
4 didn't we?

5 MR. HOSECK: I would move admission of
6 Exhibit 18.

7 MR. WELK: No objection.

8 COMMISSIONER NELSON: It's admitted. Do
9 other parties have questions? None? Now it's U S
10 West.

11 EDWARD A. PETERS,
12 called as a witness, being first duly sworn,
13 was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. WELK:

16 Q. Would you please state your name.

17 A. My name is Edward A. Peters.

18 Q. Mr. Peters, where do you live?

19 A. I live in Littleton, Colorado.

20 Q. By whom are you employed?

21 A. U S West Communications.

22 Q. How long have you been employed by U S West
23 Communications?

24 A. Almost 27 years.

25 Q. And generally what has been your work

1 experience with U S West?

2 A. I have worked the entire time in the network
3 department, or related network type jobs, including
4 engineering for outside plant, cable plant, carrier
5 systems, as well as central office transmission
6 equipment associated with supporting the outside plant
7 and also the interoffice facilities.

8 Q. Do you have a formal engineering degree?

9 A. I do.

10 Q. In what type of engineering?

11 A. General engineering from Oregon State
12 University.

13 Q. And for the 27 years network, you have worked
14 in the central office as well or designing central
15 offices?

16 A. I have designed some of the transmission
17 equipment that goes into central offices.

18 Q. And you're familiar with what's called plant
19 for U S West?

20 A. I am.

21 Q. What does plant mean in U S West parlance?

22 A. Plant refers to the physical facilities that
23 we use to provide telecommunication services.

24 Q. Have you worked in network planning for U S
25 West as part of your job responsibilities?

1 A. I have worked in the portion of network
2 planning associated with the outside plant, which is
3 the facilities between the central office switch and
4 the customer.

5 Q. And you're here as a technical witness
6 regarding the facilities that have served these
7 complainants in this action?

8 A. Yes, I am.

9 Q. Let's talk a little bit about what you've
10 done in preparation for the hearing. First of all,
11 have you driven the facilities route from the central
12 office to the complainants' residences?

13 A. I have.

14 Q. What else have you done in regard to the
15 review of the facilities?

16 A. When we received the complaints, I directed
17 others to research the facilities in that area and to
18 provide diagrams that would be useful in helping me to
19 understand the nature of the exchange for this portion
20 of the route, the facilities that serve the customers,
21 and also the geography associated with the area, and
22 the distances that's involved between our central
23 office and the customers. I also learned about the
24 carrier systems, the number and quantity, and the
25 number of workers working in this area.

1 I have talked to the supervisor of the
2 installation and maintenance crew, and I've talked to
3 the installation and maintenance technicians who work
4 the Valentine area. And I also met with them, and we
5 drove the route, and I talked to them about the
6 problems that they know from their perspective in that
7 area.

8 Q. Have you reviewed the trouble reports that U
9 S West has?

10 A. I have.

11 Q. And what is a trouble report?

12 A. A trouble report is a record of calls that we
13 received from people on their service or on another
14 service; and we try to keep a record of those calls,
15 what the nature of the complaint was, and what was done
16 to resolve the complaint.

17 Q. Has there been any testing of the lines of
18 the facilities that we're discussing here today?

19 A. There has been testing on an ongoing basis as
20 part of the resolution of trouble complaints. That is
21 a part of the repair process.

22 Q. Well, let's talk about the types of tests
23 that are available. Have there been some preliminary
24 tests that have been done on the line?

25 A. We have done some testing to check and see

1 what the service level of qualities are, or the quality
2 of the carrier itself for the customers associated with
3 these complaints.

4 Q. And when were those tests conducted?

5 A. Those tests were conducted last fall, the
6 last time we had a major repair out there, as well as
7 more recently, although I don't know the dates.

8 Q. Within the last month?

9 A. I believe that some of the testing has been
10 done in the last month.

11 Q. And what type of tests are conducted?

12 A. Well, the type of tests associated with the
13 carrier is to make sure that the signal levels that are
14 available to the end terminal where the customers drop
15 would be connected; that those signals are coming in
16 within the designed parameters for the carrier.

17 Q. What are the design parameters for the
18 carrier system that serve these customers?

19 A. Well, there's many parameters. The signal
20 needs to be regenerated when it falls below a -35 dB,
21 although there's a 5 dB tolerance in there. And then
22 the end user needs to be within that limit less than
23 minus 35 dB loss.

24 Q. And what do the tests show about the signals
25 to these customers today?

1 A. To the best of the knowledge of the
2 technicians who I've talked to about the services and
3 in this area, they believe that those services are
4 falling within that parameter currently after they did
5 some major repairs last fall.

6 Q. Let's talk about are there anticipated to be
7 other tests of these facilities beside these tests of
8 the signals?

9 A. Yes. I've already contacted the junction
10 supervisor and the installation and maintenance
11 supervisor. Actually, I worked through the maintenance
12 supervisor and he's contacted the construction manager
13 for the area, and we have gotten a commitment out of
14 the construction manager that he will make available
15 his specialists that resolve these kind of problems to
16 go out and look at the physical cable plant and try to
17 identify any defects in the physical plant, which means
18 the cable itself, that might need to be repaired. And
19 they will be starting that work next week. And we will
20 also be doing additional carrier testing, although that
21 will be done at the conclusion of the physical plant
22 being analyzed.

23 Q. Let's try to help some of the people in the
24 room with what the facilities look like. We know in
25 the central office there's some switches in there; is

1 that correct?

2 A. Correct.

3 Q. And what do you call those switches that are
4 there that serve these particular people? What type of
5 switches are they?

6 A. In Valentine we have an Erickson switch. It
7 is a voice grade switch that serves all of the
8 customers in the Valentine Exchange.

9 Q. And Erickson is the name of the manufacturer
10 of the switch; correct?

11 A. Correct.

12 Q. Now, when we drive down the road we see boxes
13 and white boxes and we see green things in the
14 ditches. What are those things?

15 A. Well, we have all buried plant that serves
16 this route. And the cable has to be accessible so that
17 we can hook up services, so we can test services, and
18 in some cases we need electronics to aid the cable
19 plant because the customers are so far away from the
20 central office. Some of the boxes would be closures
21 that allow us access to the buried cable.

22 The other closures that might be mounted, the
23 boxes would be equipment electronic equipment that
24 regenerates the signal to keep boosting the signal
25 strength. So it's a strong signal when it gets to the

1 customer. And a third type of box would be the
2 terminal equipment for the carrier where we connect the
3 customer up to the carrier system.

4 Q. So the different facilities we would see
5 above ground are these white boxes. What are those
6 called?

7 A. Those are usually repeaters, although it's
8 not always white. It might be a light green.

9 Q. And the purpose again of that facility there,
10 those white or pink boxes we see, is to do what?

11 A. To boost the signal or strengthen the signal.

12 Q. What happens to the signal as it leaves the
13 central office?

14 A. As the signal goes down the cable, it tends
15 to get weaker as the farther it goes. And so we design
16 the carrier systems to regenerate or boost the signal
17 strength so that the signal is back in a range that
18 provides adequate voice grade phone service.

19 Q. So all the way out to like the Kleins's there
20 will be these repeaters that have to boost the signal?

21 A. Correct.

22 Q. And from a design perspective, how far apart
23 do these repeaters -- are they supposed to be?

24 A. It is designed on the amount of signal loss
25 that we have, and it depends on a lot of different

1 factors, but generally they're in the four- to six-mile
2 range.

3 Q. The closures, then, these are the little
4 green things we see sticking out of the ditches?

5 A. Yes.

6 Q. They might be different colors?

7 A. They might not be in the ditches.

8 Q. Or they might be up on the roads. What's in
9 that?

10 A. Usually that is the cable itself that has
11 been brought up above ground so we can access it.

12 Q. Now, when you leave the central office and it
13 goes out to the far areas of the service area, does the
14 size of the cable change?

15 A. Yes.

16 Q. And why does it do that?

17 A. The cable plant has been designed to be the
18 most economical design at the time that it was built.
19 It is sized to provide service based on the density of
20 customers in a given area.

21 Q. Let's talk about this system generally that
22 serve. I believe is that Exhibit 12 over there? I
23 can't read that far. On the far wall is a map that's
24 hung up, it's Exhibit 12. Did you prepare that?

25 A. I did.

1 Q. And what is that a map of?

2 A. That is a map of the U S West exchange from
3 Valentine going north into South Dakota.

4 Q. Those lines that are on the outside, those
5 black lines, are those the exchange lines?

6 A. Yes.

7 Q. Mrs. Figert, we just talked to her and
8 there's a word that nobody can read unless you're right
9 up here. It's LATA, L-A-T-A, on the top. What does
10 that mean?

11 A. A LATA is a geographic area in which U S West
12 cannot extend services beyond for long distance calls.
13 In other words, we can provide local long distance
14 inside the LATA. The long distance company needs to
15 take calls across those boundaries.

16 Q. Mrs. Figert -- did you write where these
17 people are located on here?

18 A. Yes, I did.

19 Q. And Mrs. Figert is outside of the LATA, so
20 does she technically fall within the U S West exchange
21 territory?

22 A. Technically she does not, and it is my
23 understanding that she is outside of the boundary.

24 Q. The three Klein complaints, they're marked
25 with the three boxes; is that correct?

1 A. Correct.

2 Q. I'm going to ask you to describe in laymen's
3 terms basically what serves this area for facilities?

4 A. Okay. Can I use the map to help illustrate?

5 Q. Sure.

6 MR. WELK: And I move for Exhibit 12, please.

7 MR. HOSECK: No objection.

8 COMMISSIONER NELSON: It's admitted.

9 A. First off, let me say the Valentine Exchange
10 is a very large exchange. On the northeast corner we
11 have several customers who are technically not inside
12 of our exchange. I don't know what the history is. I
13 could speculate that they were in an area that could
14 not be served by any other customer at some distant
15 point in the past.

16 And it may have been some agreement between
17 the company and the Commission that in order for them
18 to get phone service, we would provide it to them.

19 I don't know exactly what the arrangement
20 was. I don't know why we're serving them. But we do
21 have facilities that go outside of our exchange
22 boundary and I'm indicating that here on the northeast
23 corner of the exchange. We do have facilities that go
24 outside, and we do have customers at the end here and
25 here.

1 And Mrs. Figert is just a short ways across
2 the boundary, as I understand. And without a legal
3 description of her property, I couldn't tell you for
4 sure, but it's my understanding she is outside the
5 exchange.

6 Q. The yellow line that appears on Exhibit 12.
7 what does that represent?

8 A. The yellow line indicates where we have cable
9 plant in the exchange. Now, the point I wanted to make
10 is from this customer here.

11 Q. And you have to tell the Court Reporter where
12 you're pointing because she can't take that down.

13 A. That's correct. From the northeast corner,
14 the farthest customer that is outside of the exchange,
15 back to Valentine is approximately 42 miles. So we
16 have 42 route miles from our central office switch to
17 this particular customer.

18 Q. Let's stop for a second. I mean you do work
19 in and out of all the 14 states?

20 A. I support service quality issues like this in
21 all 14 of the states U S West operates in.

22 Q. And just to give the Commission, how does
23 that geographic disbursement of like 42 miles, how does
24 that compare to our type of service areas that U S West
25 has?

1 A. Well, U S West has the largest geographic
2 area in the United States as far as what was once a
3 regional Bell company. But this exchange probably is
4 one of the largest ones that I've seen. And the reason
5 for that is between the northeast corner to the
6 southern area where we serve is probably over a hundred
7 miles.

8 Q. So have you made a computation of how many
9 square miles that is served?

10 A. Yes. If I look at the area approximately
11 encompassing the yellow-lined area here, down through
12 here, that would be the northern and eastern most part
13 of our exchange. It covers approximately 250 to 300
14 square miles.

15 Q. And what about -- you haven't computed the
16 southern portion of the exchange from Valentine, have
17 you?

18 A. I have not. I don't know what the total
19 number of square miles is in the entire exchange.

20 Q. All right. Let's talk a little more about
21 the geography of this area. First of all, how many
22 approximate miles are there of cable that run
23 throughout that exchange, that northern exchange you've
24 just described of 250 square miles?

25 A. Well, starting at the Valentine central

1 office and going out on a direct route out to the
2 farthest customer, I said it was 43 miles. 42 or 43
3 miles. When you add in all of the links for all of the
4 side legs and everything in this area -- now, we do
5 have an additional side leg that goes out to Sparks.
6 I'm not including any of that cable, just the cable
7 that's shown here on the map -- we have over 104 route
8 miles of cable that we have to maintain.

9 Q. And of that 104 miles, how many repeaters and
10 closures do you approximately have on it?

11 A. Well, I asked the installation manager if he
12 would get that information for me. He did a quick
13 check and counted between the central office on a
14 direct route to the Klein area, this corner here, where
15 the Kleins live, to be approximately 108 closures. But
16 we would also have to add in all the closures on all of
17 the other side routes. And so I would guess we
18 probably have over 200 closures serving the customers
19 in this part of the exchange.

20 Q. What about the number of repeaters?

21 A. The repeaters that serve the customers depend
22 on where they're located, but for the Kleins we have
23 six repeaters.

24 Q. What type of carrier system do you have that
25 serves this area?

1 A. We have an AT&T analog carrier system known
2 as SLC 8, and that is abbreviated all capital letters
3 S-L-C 8.

4 Q. And is that the name of a manufacturer again?

5 A. Yes. Well, it was AT&T. Now AT&T has broken
6 off and has become Lucent. But at the time it was
7 built, it was AT&T.

8 Q. Let's talk about the cable that serves the
9 area. Describe to the Commission generally how many
10 pair cable do we have coming out of the central office
11 ultimately out to the Kleins?

12 A. We have various size cables depending on how
13 far from the central office we are. We start off
14 directly out of the CO we have a hundred pair cable
15 that goes in our underground conduit and manhole
16 structure out to the eastern edge of the town and it
17 then is spliced into 75 pair cable. And as we get
18 further from the office it tapers down into 50, 50-pair
19 cables, 25-pair cables, and 6-pair cables.

20 Q. What about is there any other comments you
21 want to make about the geography of the exchange other
22 than what we've covered?

23 A. I think it's important to understand that we
24 have obviously a lot of miles of cable that we have to
25 maintain. Throughout this area, once you leave the

1 eastern edge of the town, all of this is dirt roads.
2 and some of it is very difficult to get over dependent
3 on the time of the year and the weather conditions and
4 those kinds of things.

5 The county apparently does try to maintain
6 the road and they do try to blade it. But we have
7 found over time that the linemen of the road tends to
8 shift one way or the other depending on circumstances
9 such as standing water and that kind of stuff.

10 So there are places where our cables no
11 longer go right along the county road. Sometimes
12 they're 50, 100 to 150 feet away from the road. Other
13 times the road is shifted and the cable is underneath
14 the road.

15 So that sometimes creates problems with
16 maintenance either because it's hard to get to the
17 cable because of where it's located, or because of
18 county road work they sometimes scrape our cable and
19 create problems.

20 Q. When were the facilities installed? Are you
21 able to determine that in reviewing the facilities map?

22 A. Yes. Most of the cables were originally
23 placed in the 1964 time frame. We have replaced
24 certain sections of the cable, but given the vast
25 amount of cable in this area, we have had to replace

1 relatively small amounts of it because it has held up
2 fairly well.

3 Q. Why don't you explain to us from an
4 engineering standpoint the difficulty in maintaining
5 the system that you've described here? When you have a
6 problem on a line, how do you detect whether from an
7 engineering standpoint what the cause of the problem
8 is?

9 A. Well, first it's important to understand that
10 because this area has grown up over time, we have had
11 to try to expand our capacity on these cables so that
12 we could serve all of the customers out there.

13 We also have had a problem from the
14 standpoint that customers farther than a certain
15 distance out from our central office physically cannot
16 be served on a copper loop. If we put them on a copper
17 loop with no electronic aids, they simply could not get
18 dial tone.

19 Q. You better stop there. Let's stop there.
20 What do you mean they have to be served on a copper
21 loop?

22 A. Well, some customers we serve over 100
23 percent copper with no electronics, no carrier
24 systems. If they're close enough to the office, that's
25 physically something you can do. But the customers

1 where the Kleins are located and the out end and, in
2 fact, probably half of this total distance are beyond
3 that limit. So physically we cannot give them an all
4 copper loop. We have to also use carrier of some type
5 to serve them.

6 Q. Let's get back to the difficulty of
7 maintaining the route because of the distances between
8 the central office and where they're at. Why is that
9 difficult from an engineering standpoint to maintain?

10 A. Well, it's difficult for two reasons: First,
11 we have to maintain the physical cable, and then we
12 also have to maintain the carrier systems that have
13 signals riding on those physical cables. The carrier
14 systems are designed to allow us to hook up as much as
15 eight customers on one carrier system. And you only
16 need one physical pair to support that carrier system.

17 This is important because, like I said, when
18 you're out this far, you can't provide service over
19 just copper so we have to maintain both of those. So
20 part of the problem is from a carrier perspective, if
21 we have trouble on the carrier and we are trying to
22 isolate where that carrier problem is, we have to check
23 every one of the six repeaters all the way out.

24 So sometimes you have to test sections
25 between repeaters. That means you have to disconnect

1 the customer and you have to physically drive from one
2 repeater to the other, test it, come back to that
3 repeater, hook everything back up, go out to the next
4 repeater, test the next section, come back, hook people
5 back up.

6 So it can be a labor-intensive repair, and it
7 can mean that as a part of the repair process, people
8 will be out of service while you're doing that
9 testing.

10 Now, that answers your question on the
11 carrier side. The problem with the physical cable is
12 that any time you have a problem on any of these
13 cables, such as we have mice get in our telephone
14 closures and they will chew on the insulation, they
15 will create shorts. Sometimes we have cable pairs that
16 physically break.

17 And trying to isolate exactly where that is
18 can be very difficult. And sometimes if it's not a
19 clean break, it can introduce problems, but you can't
20 identify where that is until something else happens,
21 such as the cable completely breaks, or you somehow
22 narrow down to a given location.

23 Q. What happens when there are cable breaks or
24 water gets in there, what does the customer hear on the
25 phone?

1 A. The cable pairs that are used to support the
2 customer carrier -- when we have water in the cable and
3 we start having deterioration of the individual sheath
4 on each of those wires, that's oftentimes one of the
5 reasons why noise can be introduced into the circuit
6 that the customer is using.

7 We can also have noise introduced into the
8 circuit because of the electronic plug-ins that we use
9 at the repeaters and also the electronic plug-ins that
10 we have to use at the terminal serving the customer.

11 For instance, if you start getting corrosion
12 where the metal contacts are, then the signal starts to
13 break up and you start getting static and noise on
14 those lines.

15 Q. Let's talk about the repairs to these. When
16 you look through the facilities maps and saw -- what
17 did you see happen back in the fall of '98?

18 A. The fall of '98 I talked with the technicians
19 and we did ride the route and we talked about some of
20 their experiences with trouble reports out in this
21 area. In this particular area where the Kleins live,
22 we finally found last fall, and I believe it may have
23 been in the September, October time frame, back in this
24 area, I believe, maybe six or eight miles --

25 Q. Why don't you describe for the Court Reporter

1 where it's at then?

2 A. Six or eight miles south of where the Kleins
3 live we found that we had a bad section of cable that
4 was about 150 feet long. We have gone in since then
5 and we have bypassed that bad cable and put in other
6 facilities. And it was the technician's belief that
7 that cleared most, if not all, of the problems that the
8 Kleins and others that live out here have experienced.

9 Now, understand that part of the problem with
10 cable, maintaining cable, is you may have a single pair
11 in that cable that may start going bad earlier than
12 other cable pairs are going bad. So when you test on
13 it, if it has water in the cable or if it is an
14 intermittent type problem, it's sometimes hard to
15 isolate.

16 Once you get down to isolating it, it may
17 appear that it is a problem associated only with that
18 single pair. But as you -- so one way of solving that
19 problem is to cut the carrier system off of that pair
20 and onto another pair believing that you fixed the
21 problem.

22 But if it is a problem that's in the cable
23 that's buried in the ground, you can't see what's going
24 on, you may find out a month later or two or three
25 months later that the pair you cut to is also starting

1 to develop the same type of problems. Once you start
2 to see that history happen, then you start suspecting
3 the entire cable may be having a problem.

4 And that's what happened last fall is my
5 understanding, is that previously we had cut to other
6 pairs in that cable. It may have cleared the problem
7 for a while. Later other problems started to develop.
8 We finally isolated that it was a more of a problem
9 than just that single pair, and so we bypassed that
10 section of cable. And we believed that we cleared the
11 problems that has been plaguing the Kleins and others.

12 Q. Do the company trouble reports reveal any
13 trouble reports from approximately November of '68 to
14 today?

15 A. I'm not aware of anything in our records.
16 And talking to the technicians, they were not aware of
17 any trouble reports that had come in.

18 Q. There's no assurance that there's not ever
19 going to be problems on this line, are there?

20 A. Absolutely not.

21 Q. What if you had a brand new system that
22 completely replaced that, is there any assurance you
23 wouldn't have similar problems?

24 A. Absolutely not.

25 Q. Why is that?

1 A. Well, if a cable-- the easiest thing to
2 understand is a cable cut -- you know, if there is
3 something that causes a cable to be cut, such as a
4 backhoe or the county blading the road, it doesn't
5 matter whether the cable is brand new or whether it's
6 old, it is going to be cut. And everyone beyond that
7 is going to be out of service until we can get the
8 cable cut repaired.

9 Likewise, if carriers are -- you know,
10 occasionally carrier plugs will go bad and we have to
11 replace them. We have problems because of lightning,
12 and those kind of problems are not going to go away
13 just because you replace it with something different.

14 Q. When you reviewed the trouble reports and the
15 repair records, did you see any instances where they
16 reported trouble and U S West did not respond?

17 A. I did not see that. To the best of my
18 knowledge, I believe they have responded when we have a
19 known outage or trouble problem. The biggest problem
20 we have is that oftentimes customers, as testified
21 earlier, do not report all of the trouble and sometimes
22 it clears by itself. Part of that is inherent in any
23 kind of electronics.

24 If a bad contact is causing the problem and
25 something gets changed, the problem can clear. There's

1 a lot of other reasons why it might clear. And if
2 we're not aware of that, then it's hard for us to
3 respond to it. It also makes it harder for subsequent
4 repairs because we don't always know the history of
5 everything that's happened up to there.

6 Q. And every time a technician is dispatched,
7 it's going to be what, approximately 30 miles out and
8 30 miles back?

9 A. Yes, but it depends a lot on where the
10 technician is. Obviously we don't have technicians
11 just sitting around waiting to be dispatched. We size
12 our staffs to handle the volume of work that is needed
13 for this location.

14 So, theoretically, they would be out on
15 another call potentially. If they are in that area
16 they may be able to get to that trouble report sooner.
17 If they're at the other end of the exchange, a hundred
18 miles away, it's going to take longer.

19 Q. And how many technicians are in this area
20 that serve the Kleins and Mrs. Figert?

21 A. We have two full-time technicians that serve
22 the Valentine area. We have one full-time technician
23 that serves Ainsworth, who can also help out in
24 Valentine. And then we have another employee that does
25 functions and supports the technicians so that they can

1 give their full time to the repairs.

2 Q. One of the complaints that has been raised
3 here today through a number of people is the response
4 time of having someone come out on a Friday and not
5 coming out until Monday. Why don't you comment on why
6 people just don't come out as soon as they get a
7 telephone call?

8 A. Our crews are staffed Monday through Friday
9 we will work. And any repair calls that we get prior
10 to 1 o'clock, according to company standards, we will
11 repair by 7 o'clock. Now, in a rural area such as the
12 Valentine Exchange, that is sometimes difficult to do.
13 And I would suspect there may be times when we do not
14 get the repairs done by 7:00 p.m. We would attempt to
15 make those, or we would commit to make those repairs
16 the next day.

17 We do not have a staff that is staffed up
18 over the weekend, so calls that come in late on a
19 Friday would normally get dispatched on Monday, unless
20 it's an emergency, an unusual situation, and then we
21 would do a call-out, recognizing that that certainly is
22 an additional expense to U S West. And we also get
23 into, you know, union agreements and have to comply
24 with the union contract.

25 Q. What about the disclosing of the numbers of

1 the private home numbers of technicians, what's the
2 company policy on that?

3 A. We don't do that.

4 Q. And why?

5 A. People have a right to their privacy. And we
6 have found that when customers know the technicians'
7 home phone numbers, they're subject to getting calls at
8 any time of day and night, including the middle of the
9 night when they're asleep. And we feel that's an
10 intrusion on their personal privacy and their families'
11 privacy, and so we would not do that.

12 Q. Has there been any record of anybody from
13 this area calling technicians at home or in the
14 evening?

15 A. In talking to the technicians, they have
16 reported cases to me where technicians in this area
17 have gotten calls at 2 o'clock in the morning with
18 demands that they come out immediately and fix the
19 phone.

20 Q. Let's talk about what you're doing. You had
21 the fix, and you placed this cable placement, all
22 right, back in the fall. And basically since -- I mean
23 there's been a couple sporadic, but certainly the
24 problem has been resolved; is that correct? There
25 might be some sporadic --

1 A. Well, I want to be careful in answering
2 that. From our technician's standpoint, looking at
3 trouble reports that have actually been called in, that
4 they are aware of what's gone on, they have had very
5 little trouble reports in this area since the first of
6 October or November. And it is their impression that
7 when they replaced that cable, that much of the problem
8 was resolved. And certainly we've had some testimony
9 today that would indicate that service seems to have
10 gotten better over the last several months.

11 But at the same time we are committed to
12 working with our customers in identifying problems.
13 And to the degree that we are aware of problems that
14 maybe previously we weren't aware of, we certainly want
15 to continue to work on those. So, to the best of my
16 knowledge, we think we have fixed those problems.

17 Q. But you're not -- you are being proactive in
18 more testing?

19 A. Yes. We're going to go out periodically. I
20 think it's prudent for a company to go out and do a
21 thorough analysis of the route. We have a lot of
22 carrier systems out here. We have a lot of customers
23 from Valentine that work out in this part of the
24 exchange.

25 And I have already got the commitment from

1 our construction supervisor that he will provide
2 trained technicians who will go out and systematically
3 analyze the cable.

4 And what that will entail is starting at the
5 CO and working their way out to the end of each one of
6 these side legs and determining whether or not we have
7 any cable plant that is not meeting standards, which
8 may be because the cable is wet or some other problem.
9 And if we determine that cable or closures need to be
10 replaced or rebuilt, we will do that.

11 Q. And you're not going to do that without any
12 Commission order; you're going to just go ahead and do
13 it?

14 A. Yeah. We have already started that process
15 to do that.

16 Q. The testing. Now, that means you're going to
17 have to go closure to closure to do these tests?

18 A. Yes, usually.

19 Q. So that means that entire 30-some-plus miles
20 almost to the end 40-plus miles you're going to have to
21 do cable section by cable section, closure by closure?

22 A. Well, it's actually over a 104 miles of cable
23 plant that we will have to go through and test.

24 Q. Is that testing, has it commenced yet?

25 A. No. We are planning on starting that next

1 week.

2 Q. So if it starts next week, how long will it
3 be for the entire testing to be concluded?

4 A. Well, it depends a lot on what the weather is
5 and what kind of weather-related problems we run into.
6 And obviously if there's other emergencies, we would
7 have to make the technicians available to repair cut
8 cables and that kind of stuff. But our hope is that we
9 could do the analysis within a 60-day period.

10 Q. Let's talk about some engineering principles,
11 and let's just talk if you were to replace the entire
12 cable and carrier system for these people, and just say
13 that somehow God gave us the money to do this, how much
14 would it cost, Mr. Peters, to go out there and replace
15 this entire system?

16 A. Well, the cost to do that would take a lot of
17 work to come up with a detailed engineering design, so
18 I've had to rely on some assumptions and some average
19 costs. Fortunately here, we have what appears to me --
20 and you folks live in the area would know more. But it
21 appears to me that the soil conditions are fairly
22 favorable for buried cable. In other words, it doesn't
23 look to me like there's a lot of solid rock in the
24 ground that we would have to incur extremely high
25 expenses to bury.

1 But given the fact that we have this much
2 plant out there, just to replace the cable, I would
3 estimate that just the cable replacement, with no
4 carrier work at all, would be in the neighborhood of
5 4.4 million dollars.

6 Q. And what if you replaced the carrier system?

7 A. If we replaced the carrier system with
8 similar equipment, same technical design parameters but
9 of a newer vintage, the carrier equipment by itself
10 would be approximately 1.2 million.

11 Q. What about the switches in the office?

12 A. The switches, hopefully, would not be
13 affected and would not need to be replaced. One of the
14 concerns that I have, and I was not aware of the extent
15 of the problem before today.

16 But if there's a lot of 411 calls that are
17 being billed to a lot of different customers, one of
18 the things I do want our switching engineering and
19 planning people to look into is whether or not there is
20 a switch problem that may be causing stray signals
21 coming into the switch to be interpreted as bona fide
22 calls that would be generating these kind of calls.

23 Q. I want to ask you -- you heard a lot of
24 testimony about that problem. And I know without
25 testing all that, you can't give a final answer. But

1 what are possibilities of how that could have occurred?

2 A. The possibilities is partly the switch, could
3 be something wrong in the switch. Or the problem we
4 have is if there are -- because the carrier works on
5 different signal frequencies, and Touchtone phones also
6 work on a tone or frequency.

7 Stray current on the lines could be
8 interpreted by the switch as dialed numbers.
9 Obviously, a three-digit number like 411 would be
10 easier for the switch to inadvertently pick up as a
11 dialed call as opposed to a several digit local call,
12 or 11 digit long distance call.

13 Q. What is stray current?

14 A. Sometimes you have power-induced current on
15 the telephone network. The power lines that might be
16 riding overhead or in the area could induce a current
17 onto the line. I don't know if that's a problem here.
18 That's something we'll need to investigate.

19 You can have stray current caused from
20 lightning hitting one point in the network and
21 traveling down the cables and being superimposed over
22 the frequencies of the carrier system so the switch
23 interprets that as a dial call when it's really just an
24 inadvertent signal.

25 Q. In your opinion as an engineer, would

1 engineering principles dictate, based on what you know
2 now, the replacement of the system?

3 A. I don't believe so.

4 Q. Why not?

5 A. Well, external impact such as cable cuts,
6 mice getting into closures and chewing on insulation,
7 lightning-induced type problems, all of these types of
8 things are not indicative of the age or vintage of the
9 cable or carrier system. That's going to create the
10 same type of problems if you have brand new facilities
11 out there.

12 The real problem is the -- you know we have
13 to contend with the great distances between the
14 customers and the switch. And the longer the distance,
15 the more chance that something can happen to that
16 plant.

17 Q. How long did you say it would be until the
18 tests are completed?

19 A. We would hope to be able to complete that in
20 60 days.

21 Q. Would you -- does U S West have any objection
22 sharing those results with the Commission?

23 A. No, we don't. Let me explain what will be
24 done in 60 days. 60 days would allow us to analyze the
25 cable plant and identify whether or not there's

1 problems. We would expect to go ahead and fix the
2 problems to the extent that they can be fixed prior to
3 the analysis being completed. We would do that. Some
4 of the repairs would have to be fixed after the
5 analysis is completed.

6 Once the cable plant has been tested and we
7 know that it's in good shape, we would go back and do
8 additional testing on the carrier systems themselves
9 and see if we can identify any design abnormalities on
10 the carrier, or whether there's any defective parts on
11 the carrier that would need to be replaced. So there
12 are additional work that would have to be done after 60
13 days.

14 Q. What are CLASS services?

15 A. CLASS services are switch based services.
16 Switched, to a large extent, is a large computer, so
17 it's software services that's generated within the
18 switch, such as call forwarding, three-way calling,
19 those types of services.

20 Q. The people that are served by these systems,
21 do they have available some of the CLASS systems but
22 not all of them?

23 A. That's correct.

24 Q. What type of CLASS services do they have
25 available and what CLASS services do they not?

1 A. Services that are generated out of the switch
2 should generally be available. That would be call
3 forwarding, where the switch identifies that the call
4 coming in to a certain number should be routed to a
5 third number. Other features such as Caller ID is not
6 a service that is compatible with the electronics that
7 we have working to provide service so that is generally
8 not available.

9 Q. What about the Internet service?

10 A. The other day when I was driving around with
11 the technicians and they told me that the Klein School
12 had added another line for Internet service, I was
13 shocked. Because in my opinion Internet shouldn't work
14 at all out in this area. It is so far from the central
15 office. And with the analog carrier out there,
16 Internet access is something that U S West does not
17 guarantee. And I was surprised that it works out
18 there. Apparently it is working, but we don't
19 guarantee that type of service on this network.

20 Q. What service does U S West guarantee on this
21 network?

22 A. Voice grade service.

23 Q. Does that service, the voice grade service,
24 in your opinion, satisfy and of good quality service
25 today?

1 A. I can't speak for every customer out there.
2 I know that we have many customers out there that have
3 never filed a complaint and so apparently it is for
4 them. Obviously, there's some customers we need to do
5 additional work out there to make sure that their
6 service falls within the acceptable range.

7 MR. WELK: That's all I have.

8 A. I would like to say I think the capability,
9 the system that we have there, certainly supports
10 quality voice grade service. But, again, given the
11 distances and the amount of cable plant and carrier
12 plant that is used to provide services that far from
13 the office, it's an ongoing effort to make sure that it
14 always stays inside the acceptable range.

15 MR. WELK: That's all the questions I have.

16 COMMISSIONER NELSON: Okay. We'll take a
17 five-minute break.

18 (AT THIS TIME A SHORT RECESS WAS TAKEN.)

19 COMMISSIONER NELSON: We'll go back on the
20 record. Do any of the other parties have questions of
21 the witness?

22 MR. WELK: I need to revise. Based on his
23 conversation with Mrs. Figert, he's got to revise where
24 she's at on the map.

25 COMMISSIONER NELSON: All right. Mr. Welk.

1 MR. WELK: Thank you, Madam Chair. As a
2 result of a conversation that Mr. Peters had with Mrs.
3 Figert, he would like an opportunity to amend his
4 testimony on where he believes she resides.

5 FURTHER DIRECT EXAMINATION

6 BY MR. WELK:

7 Q. So, Mr. Peters, did you have a conversation
8 during the break with Mrs. Figert?

9 A. I did. We both looked at the map which shows
10 section numbers, which are one mile square; and she
11 indicated that she was just south of the section line
12 where our boundary is, rather than north of it, which
13 means that based on her understanding of her property
14 description, she would be just barely inside of the
15 telephone exchange rather than just barely outside of
16 it.

17 Q. All right. And I did have marked as Exhibit
18 19 -- Exhibit 19, do you have that before you?

19 A. I do, yes.

20 Q. That exhibit consists of a letter dated
21 January 29th to me from to Mr. Hoseck and Mr. Klein,
22 along with a letter dated January 13th, 1999, from
23 Mr. Klein to me, and along with a staff data request.
24 And also there is some answers that respond to the
25 questions that Mr. Hoseck and to Mr. Klein. Did you

1 prepare those responses?

2 A. Yes, I did.

3 MR. WELK: I would move for the admission of
4 Exhibit 19.

5 MR. HOSECK: May I question the witness
6 further with regard to that?

7 Are you swearing to the truthfulness of those
8 responses?

9 A. To the best of my understanding, I believe
10 they are true.

11 MR. HOSECK: No objection.

12 COMMISSIONER NELSON: Okay.

13 MR. WELK: I have nothing further.

14 COMMISSIONER NELSON: Exhibit 19 will be
15 admitted.

16 MR. WELK: Thank you, Madam Chair.

17 COMMISSIONER NELSON: Okay. Do any of the
18 other parties, the complainants, have any questions for
19 Mr. Peters?

20 MR. MILTON KLEIN: Yes, I do.

21 CROSS-EXAMINATION

22 BY MR. MILTON KLEIN:

23 Q. In this Exhibit No. 19 and through your
24 verbal testimony, you use the words a number of times
25 labor once at least, labor intensive and difficult in

1 regard with this repair process. Yet in this Exhibit
2 19 you state that current staffing is appropriate for
3 the amount of the work in the Valentine area.

4 And I'm a bit confused. If this is so
5 difficult and labor intensive to get this done in a
6 timely fashion, how does that reconcile with having an
7 appropriate level of current staff?

8 A. Well, labor intensive, the way I used it
9 intended -- it means that going out and identifying the
10 source of the problem isn't something that can be done
11 in a few minutes or sometimes even an hour. But that
12 doesn't mean that when you look at the total amount of
13 work that has to be done in the Valentine telephone
14 exchange, that we don't have enough people to do it.

15 So even though the technician may spend a
16 better part of a day working on this problem, we have
17 another technician who could be repairing other
18 troubles. And, obviously, we don't have a person
19 spending half a day on each problem every day. So
20 overall, looking at the total amount of work to be done
21 and the total number of people we have, we believe
22 we're staffed appropriately.

23 Q. You stated that you finally found, you
24 thought, last fall a cable problem and replaced
25 approximately 150 feet of cable. Do you have an exact

1 date on when you did that?

2 A. I don't have that. When I talked to the
3 technician, I didn't ask them for exact date. In fact,
4 the technician that did it at that time didn't
5 remember. He would have had to gone back through his
6 records. I didn't ask him to do that.

7 Q. Do you have an idea that was before or after
8 October 6th when they found a short at the Bryan
9 residence?

10 A. I don't know whether it was before or after
11 that. I think it was in that general time frame
12 though.

13 Q. Would it be reasonable when we have some -- a
14 large series of outages reported, if somebody has a
15 trouble report and the technicians have a difficult
16 time pinpointing that problem and they're uncertain
17 about whether they have it fixed or not, would it be
18 reasonable for them to check back with customers and
19 other customers in the area given this remote area and
20 see whether, in fact, that problem has been fixed and
21 their service continues to be quality?

22 A. Well, first off, as a technical witness,
23 that's more of a business question and I'm not sure I'm
24 the best person to answer that. It is my understanding
25 that the technicians and the manager of the technicians

1 have tried to be responsive. I believe the manager has
2 come out to some of the locations where there's been
3 continuous problems.

4 And certainly in my talking to the
5 technicians, they have a desire to make sure the
6 problems are fixed. But I don't know whether it's
7 reasonable for them to call every single customer every
8 single day to find out whether the problems that were
9 fixed the day before or the week before or the month
10 before continues to cause no trouble or not.

11 Q. How often do you do these type, the system
12 tests that you were describing that you intend to do?

13 A. Are you asking about the work that we plan to
14 do on a proactive basis going forward.

15 Q. Yes?

16 A. Generally that's something that is done on a
17 case-by-case basis. At the time that we engineer and
18 install the equipment it is tested out to make sure
19 that the repeaters are in the proper location and
20 everything is working properly.

21 Over time you add additional customers to the
22 carrier systems that were initially established and you
23 add additional carrier systems, and at the time that we
24 do those installations the signal strength should be
25 tested to make sure it falls within parameters.

1 Obviously as time goes on and as, you know,
2 everything is affected, there is a potential to have
3 some variation from the original design and the
4 original tests, but that's usually -- a thorough
5 analysis is usually done as the conditions and trouble
6 reports warrant doing it. So I can't really say what's
7 average.

8 Q. Would you say that -- you spoke about the
9 difficulty of finding some of these problems. Would
10 you say that it would be more readily -- that they'd be
11 easier to find and more quickly to find if the
12 technicians could respond in a lesser time frame more
13 quickly?

14 A. Are you asking whether repairs would be
15 completed faster if a technician was dedicated to your
16 area.

17 Q. No. I'm asking if a problem develops and
18 there's problems detecting the problems. I'm asking
19 about the detection of the problems. Would it not be
20 more efficient if the time period from the time it was
21 reported until the technician is notified was a lesser
22 time and would then able to find it more quickly?

23 A. I don't know how to answer that because if
24 the technician was say in the southern part of the
25 exchange, even if they were -- they received the report

1 within five minutes of when you called it in, they
2 still may not be able to get to it until, you know,
3 three or four or five, six hours later. It depends on
4 what else they're doing and where they're located.

5 Q. Yes. But if he was able to get there in a
6 shorter period of time, would it improve his chances of
7 finding the problem?

8 A. No. I think it might get fixed faster
9 because he started faster. I don't think the overall
10 length of time it takes to do the repair is going to be
11 any shorter.

12 Q. I'm not talking about doing the repair. I'm
13 asking about the time it takes to detect it.

14 A. That's what I'm saying. Once the problem is
15 detected, he fixes the problem.

16 Q. Correct.

17 A. If it takes six hours to direct a problem or
18 if it takes two hours or if it takes a half hour, that
19 detection period is going to be the same regardless of
20 when he got notified of the problem. Now, the repair
21 might be completed faster because he started on the
22 problem faster, but the detection period itself will be
23 the same time.

24 Q. But are all these problems detectable when
25 they come out there?

1 A. No.

2 Q. And why not?

3 A. Because of, like I said, if you have -- there
4 are certain types of problems that are easy to detect.
5 Obviously if a cable gets cut and everybody is totally
6 out of service, you can deduce that somewhere between
7 there back is a cable cut and you know who is in
8 service and who is not in service and you know it's in
9 that general area and you start going out and looking.

10 Obviously, if there's a backhoe sitting out
11 in a field and they've got a big hole dug because
12 they're putting whatever in, fences, whatever, then you
13 would say, a-hah, maybe that's where the cable is cut.
14 So that kind of a problem is easy to find.

15 When you have a mouse that gets into a
16 telephone closure and they start nibbling on the
17 insulation and when that wire blows in the wind and
18 touches the metallic ground bar and it grounds the
19 circuit, it causes trouble; and then when that line
20 moves away from that metal piece the trouble clears.

21 That's extremely difficult trouble to find.
22 And it takes a lot of -- you can even open the close
23 you are up and not detect something like that because
24 there's a lot of wires in some of these closures. So
25 that is correct be a very difficult kind of a trouble

1 to find.

2 Q. But yet you still state we have enough
3 current staff.

4 A. I guess I don't understand the question.

5 Q. I'll ask another question. Get off that one
6 then.

7 A. If you look in the closure and can't detect
8 visually a problem, because it's a problem that is so
9 -- I mean a small piece of insulation is worn, it
10 doesn't matter how many technicians you have out there
11 looking at every single closure if you can't see that
12 problem. It's hard to find.

13 MRS. FIGERT: Can it be detected
14 electronically?

15 A. That's what we attempt to do. We attempt to
16 isolate.

17 MRS. FIGERT: Can you mouse-proof your
18 equipment?

19 A. No.

20 MRS. FIGERT: Why not?

21 A. Because.

22 MRS. FIGERT: I'm serious. Why can't you
23 mouse-proof your equipment?

24 A. I can give you a technical training class.
25 but basically a mouse can get into a very small area.

1 We do try to protect it as much as we can, but there is
2 no way of keeping insects and rodents and that kind of
3 stuff totally out of the plant.

4 MRS. FIGERT: Insects. I could understand.
5 but maybe there is some technology you could purchase,
6 covers, seamless, I don't know.

7 A. If you have a suggestion of a particular
8 technology, we'll be happy to consider it.

9 MRS. FIGERT: I'll get on the Internet as
10 soon as I leave this place.

11 A. I mean, this is an industry. I mean our
12 design is not unique to Valentine, South Dakota. I
13 mean these are off-the-shelf products that we buy. I
14 mean all telephone industry providers buy these kind of
15 products. This is what's available to the industry.

16 MRS. FIGERT: Well, there's a million dollars
17 to be made by somebody to invent something new then
18 Go for it.

19 Q. (By Mr. Milton Klein) You stated something
20 about wire in the wind. What wires do we have that are
21 capable of flopping in the wind?

22 A. Even wires that's inside telephone closures
23 can be subject to some movement.

24 MR. MILTON KLEIN: That's all I have.

25 MRS. SHERYL KLEIN: Well, yeah.

CROSS-EXAMINATION

1
2 BY MRS. SHERYL KLEIN:

3 Q. You have stated that some places of the cable
4 are experiencing deterioration, the cable sheathe; and
5 you stated some of the contacts, corrosion of the
6 contacts, although you're uncertain how extensive that
7 is, given this line is 36 -- it's 36 years old
8 approximately. Is this pretty typical of a 36-year-old
9 line to be deteriorated and corroded?

10 A. Well, let's be clear on my testimony. I said
11 that given the 104 sheathe miles of cable, we've had
12 very few sections that we've had to replace, which
13 indicates to me that overall the cable has held up very
14 well.

15 Obviously, as one of the witnesses said
16 earlier, if you have a tractor or farm equipment or any
17 mechanical equipment, over time it's not going to be
18 as, you know, like new condition but that doesn't mean
19 it's not good and it's not usable.

20 There are going to be times when water gets
21 in to the cable because cables have been cut. The
22 conductors may not be cut, but the outside sheathe may
23 be cut or closures -- somebody hits a closure or some
24 act of nature or man-made trouble leaves a closure
25 exposed, water gets into -- it gets into the cable and

1 the cable starts to break down.

2 We have replaced those sections. We will try
3 to identify additional sections of cable that maybe
4 need to be replaced because it's not meeting
5 transmission standards, but that's not to imply that
6 that's a widespread problem.

7 As far as the contacts go, when you have the
8 boxes with electronic equipment, circuit packets, which
9 are like printed circuit boards that you have to put
10 into that box and it has to make contact with the
11 wiring on the back, just by virtue of the fact that
12 there's moisture in the air and it condenses on those
13 pieces of equipment, over time you can get tarnish on
14 that metal and it may not be making as sharp a contact
15 as you would like it to.

16 Sometimes problems are cleared simply by
17 pulling the plug out, sanding down the contact a little
18 bit, putting it back in and the plug itself works
19 perfectly. It's just had that contact. That is going
20 to be true whether it's brand new or whether it's old,
21 over -- you know, if you got moisture in the air, it's
22 subject to be tarnished. Metal does that.

23 Q. So is it pretty safe to say in your
24 engineering experience you have more trouble with say a
25 30-year-old line versus a brand new line?

1 A. I think if you're talking relatively speaking
2 that anything that's brand new is usually going to be
3 better than something that is similar but older.

4 Q. Okay. It would be less vulnerable to mice
5 and water damage and --

6 A. No, no, I don't agree with that. I mean if a
7 brand new cable is -- you have to take the sheathe off
8 the cable and the individual wires are exposed. They
9 each have insulation around each individual wire.
10 Those are available in some closures that we call
11 distribution closures where we hook up customers.

12 Those kinds of wires are going to be exposed
13 to mice and insects and weather and everything else if
14 they're new or if they're old. That's not -- I mean
15 the age is not an issue. It's the fact that anything
16 that's been opened up is not as good as cable that the
17 sheathe has not been ever opened up.

18 Q. Okay. You acknowledged -- you've stated that
19 this is a difficult area to provide service for any
20 number of reasons that you shared. Does that mean we
21 should tolerate and accept the lower level of service
22 from U S West?

23 A. My opinion is that you're entitled to quality
24 voice grade service, and U S West has a desire and we
25 would like to be able to provide that. We need to

1 figure out how we can do that. Part of it is, I think,
2 better communications.

3 There certainly has been a lot of testimony
4 that in times not everything that happens on each
5 individual line is reported. That gives us less
6 history to work from to help isolate what's causing
7 that trouble. And sometimes it's a multitude of
8 different problems.

9 And I think we need to at all times
10 understand -- this is a little side note because I do
11 want to get this on the record -- that not all problems
12 that every customer in this area has experienced is
13 necessarily due to U S West or our outside plant.

14 For instance, there's been testimony of
15 disconnects of long distance calls. Well, when you
16 understand that that call goes through a multitude of
17 switches over a lot of different facilities, anywhere
18 on that connected path could be the cause of that
19 particular call being dropped. So it doesn't
20 necessarily mean it's our error.

21 There are times when people have experienced
22 outages that may be because someone else has called in
23 a trouble report. We're in the process of trying to
24 isolate the trouble and to do that we had to take the
25 system down so that we could repair it.

1 And, you know, the technicians indicated to
2 me that sometimes it's really hard to repair these
3 because people are not always home. They're out trying
4 to repair the problems and people are not home, so we
5 also can't call those people and let them know they're
6 service is going to be out. They get home, they pick
7 up the phone, it appears it's another outage. It's not
8 an outage caused by trouble; it's an outage caused by
9 doing the repair.

10 Q. Okay. Given that we're almost on the verge
11 of the next century, do you believe it's reasonable for
12 children who reside in our area to be not allowed
13 access to the Internet?

14 A. I think given the perfect world -- and I
15 think everyone ought to have access to the most modern
16 telecommunication services. But in a perfect world,
17 cost would not be an issue and there would not be
18 physical limitations. That is something that we have
19 to deal with.

20 We have an obligation to provide voice grade
21 services, to provide other type of services. Like
22 testified earlier, the guy from the school, he wanted
23 56 kilobyte to the Klein School. That would not be
24 something we could technically do without completely
25 rebuilding the system.

1 And rebuilding the system and spending. you
2 know, 5 or 10 million dollars, and it likely would be
3 more than that because it's so far out. We would
4 probably have to put fiber out there, and we would have
5 to put digital carrier, so it may be in many tens of
6 millions of dollars in today's real world. That's not
7 something that U S West is capable of doing.

8 MRS. FIGERT: Capable of?

9 A. We have to get the money from our
10 shareholders. If there is not a return on investment,
11 we are not capable of doing it.

12 COMMISSIONER NELSON: Are there other
13 questions from the complainants?

14 CROSS-EXAMINATION

15 BY MRS. JOANN KLEIN:

16 Q. Do I understand you're saying today, as U S
17 West people, that because my neighbor up the road has
18 got telephone problems, I should not -- I should also
19 -- and I have too. That we both should call U S
20 West? Is that helpful?

21 A. Actually, it is helpful.

22 Q. It is? Okay. I thought it was annoyance.
23 Like REA goes off; we figure, oh, you called over
24 there, all right. They're going to be added and you
25 don't bother them, you know.

1 A. Yeah, it's helpful because you may or may not
2 be on the same carrier system; and, obviously, you
3 wouldn't know. You know, only we would know. So if
4 you call in and you got trouble and your neighbor has a
5 trouble and they don't call in, we may think it's only
6 on one system, and so we may not be aware of the
7 problem on their system and it may not get
8 automatically fixed. We hope it would be picked up but
9 it helps us to be sure we pick up those problems.

10 Q. It's easier for you to focus on where the
11 problem is then. All right. I'll pass the word.

12 CROSS-EXAMINATION

13 BY MR. RANDY KLEIN:

14 Q. What is the normal life expectancy of a
15 system such as we've been talking?

16 A. I don't know that we can answer that. It's
17 like most mechanical things. If it's still working,
18 it's still working regardless of the age. So I don't
19 know that you can't say that when something gets to a
20 certain age it stops functioning and you have to throw
21 it away.

22 Q. These cable depths that we have, you say the
23 maintainers hit the cables and I know one guy has
24 disced his several times. Why aren't they buried at a
25 level you aren't going to hit those? Are the

1 maintainers --

2 A. They probably were when they were buried.

3 Q. Do you think they dropped 18 inches?

4 A. We bury 24 inches.

5 Q. You think these roads have settled that much
6 in that length of time?

7 A. I don't think so. We have had areas where we
8 know for a fact the road elevation has dropped 20
9 inches.

10 MR. LAWRENCE KLEIN: I think erosion
11 sometimes has dropped that level that far, hasn't it,
12 practically and sand hills and stuff like that?

13 A. Yeah, yeah. You have a lot of things that
14 affect it. But, yeah, we have had areas where we know
15 the cable is buried at 24 inches and it's being scraped
16 by the blades.

17 Q. (By Mr. Randy Klein) Now, you're with the
18 engineering department; is that correct?

19 A. Yes.

20 Q. Okay. So if I wanted to buy an Internet
21 hookup, somebody would have to ask you if it was
22 feasible to put it in at my location; right? I mean
23 you would think they would check with you to see if the
24 system would handle it?

25 A. Theoretically, on our records it would

1 indicate how far away you are, what we call which
2 resistance zone you're in, which gives us the function
3 of distance, and they should be able to tell ahead of
4 time. I would like to think that all the people in the
5 business office are doing a thorough job of checking
6 the record for your service.

7 And I probably would have to be -- if I was
8 going to be totally candid, I would have to say that I
9 don't think that always happens. I think there are
10 times when orders get taken and then until it gets out
11 to the technicians to work it, and they know the
12 physical geography, they know the customers, they know
13 where people are located, they oftentimes recognize at
14 that time that that service cannot be provided to that
15 location.

16 Q. Okay. You said you were out by the school
17 and you heard they had Internet and you were surprised
18 it worked at all. Why on earth would you sell
19 something to a school district and lead them to believe
20 it was going to work if they were going to have
21 problems with it?

22 A. We didn't. They bought a regular phone
23 line. We don't know what they're going to do with the
24 phone line. They did not buy a designed service line.
25 They bought a regular voice grade line. They decide to

1 plug it into the computer. We didn't know that they
2 were going to do.

3 Q. So if they would have asked you that, you
4 would have advised them against that?

5 A. I would like to think that we would be able
6 to do that.

7 Q. You're not sure?

8 A. Like I said, if they called the business
9 office, I don't know that the people in the business
10 office have an engineering technical sense. And if
11 they didn't pick it up on the record, they may not be
12 aware of how far that customer was.

13 Q. And I would think -- now, maybe it's just me,
14 but if I was running a school, I mean, a school called
15 in and they wanted an extra line, with the way
16 technology is going nowadays maybe shouldn't I have
17 asked were you going to use this for an Internet
18 system? If you are, maybe you should think twice.
19 Wouldn't you think they would be versed enough in that
20 to know that how many schools need three or four lines
21 for a little rural school out here?

22 A. Our centers that take all of the calls are
23 not even located in this state.

24 Q. A lot of our problem -- I think that's a lot
25 of what you're hearing for complaint. We don't get to

1 talk to a person, just a person. We have these
2 operators. You talk about reporting outages, you know
3 okay, all right. Punch one to -- punch one, then
4 somebody comes, to punch this, punch that. By the time
5 you get done, it takes five minutes to call in to
6 report an outage.

7 And a lot of times I've headed out the door.
8 I'll grab a phone going to -- okay. I'll call up to
9 mom's, you know. You can't just get an operator and
10 say, "Okay, my phone is not working. Can you report
11 that?" You've got to go through this. You wait for
12 that, you know, the lines are busy. Where did our real
13 people go?

14 MRS. JOANN KLEIN: Why is your address
15 Valentine, Nebraska, and you have a South Dakota Zip
16 Code?

17 COMMISSIONER NELSON: Let's confine ourselves
18 to the questions.

19 A. Obviously that's not a technical question.
20 That's a business decision that's been made by the
21 company. And I am not a part of that business
22 decision, so I don't know that I could add anything
23 that would be constructive.

24 MR. RANDY KLEIN: Being you're the
25 representative for U S West, we don't have anybody else

1 we can ask, so I guess you're the lucky man.

2 COMMISSIONER NELSON: Do you have other
3 questions?

4 Q. (By Mr. Randy Klein) Yeah. He said
5 something about -- Milton asked him about detecting.
6 It's going to take the same amount of time to detect a
7 problem. But if something is broke, is it easier to
8 find what's wrong with it than when it's working
9 again? Do you understand what I'm saying? When the
10 phone is actually down and out, is it not easier to
11 find the problem than when the phone is operating?

12 A. I would agree it's easier when it's broke.

13 Q. I think that's what he's trying to say. I
14 could be misinterpreting but that's the way I
15 understood it. If they could get out there when the
16 phone is actually down maybe than after it's dried out
17 or the wind has quit blowing or something. I know
18 there's times when probably they could if they could
19 get notified faster.

20 A. Can I ask you a question before I answer
21 that?

22 Q. Yes.

23 A. Do you operate a farm?

24 Q. Right.

25 A. Ranch, cattle?

1 COMMISSIONER NELSON: You're not supposed to
2 be asking him questions. He's asking the questions.

3 A. Okay. What I would believe my answer would
4 have been, that as much as it may be nice to hire
5 people that you can have work part of the day and pay
6 them a full-time wage, which is what we would have to
7 do to respond at the level of service that you would
8 like us to respond to, I think you would agree as a
9 businessman that you would not want to hire four people
10 to help put fences up and have three of them standing
11 around the whole day and pay.

12 Q. I'm not talking the first instance. You've
13 got a problem that's repeating itself. You know, it's
14 been the third or fourth time you've called us and
15 still having the same problem. I'm not talking about
16 the initial contact, given the benefits of the doubt
17 they might get it fixed. But as the third or fourth
18 time you're still having problems, I think it would
19 move up on my priority list.

20 COMMISSIONER NELSON: Is that a question?

21 MR. RANDY KLEIN: I think it is.

22 COMMISSIONER NELSON: What is the question?

23 Q. Would it not move up on your priority list?

24 A. Obviously, if we have technicians that are
25 working on other trouble reports and they get a new

1 trouble report on a recurring problem, I would say from
2 a business standpoint, it's still hard to tell the
3 customer whose problem you're currently working on.
4 I've got to stop what I'm doing and drive up to this
5 part of the exchange because I need to look at the
6 problem right this minute.

7 I mean I wouldn't want to have to be the one
8 to explain to the customer that we're going to stop
9 working on your problem so we can go work on someone
10 else's problem. I think from a business standpoint,
11 it's reasonable that the technician would finish the
12 work that they were doing before they move to a next
13 case of trouble.

14 COMMISSIONER NELSON: Did you have other
15 questions?

16 MR. RANDY KLEIN: No.

17 COMMISSIONER NELSON: Does anyone else -- any
18 of the parties have other questions? Okay. Staff.

19 MR. HOSECK: Yes.

20 CROSS-EXAMINATION

21 BY MR. HOSECK:

22 Q. Good afternoon, Mr. Peters. Would you look
23 at Exhibit 19, please, and, more particularly, the
24 answers to the Klein data request?

25 A. Okay.

1 Q. And I'm looking at something called page one
2 of three and it's the answer to question number one.

3 A. Okay.

4 Q. It says, and I quote, "U S West believes that
5 the SLC 8 provides quality voice grade service when
6 engineered, installed, and maintained properly." Was
7 this engineered properly? Was this system engineered
8 properly?

9 A. Obviously I wasn't a part of the engineering
10 when it was originally done, but all indications are
11 that it was engineered properly.

12 Q. Okay. Was it installed properly?

13 A. As far as I know it was.

14 Q. Has it been maintained properly?

15 A. I think it has been maintained properly.
16 given the fact that there are -- I mean in that large a
17 geographic area, there's always going to be things that
18 you continue to do. But I believe our technicians are
19 maintaining it properly.

20 Q. Well, if it's been engineered, installed, and
21 maintained properly, why don't these people have
22 service?

23 A. For the same reason that periodically your
24 car doesn't work. I mean mechanical things break down
25 and it has to be repaired.

1 Q. Well, you go on to talk about the great
2 distances and you just mentioned this. Was the system
3 underdesigned?

4 A. What do you mean by underdesigned?

5 Q. Was it designed in such a manner that it was
6 not capable of servicing these people?

7 A. No, I don't think it was underdesigned.

8 Q. Okay. What's the normal life of this cable?

9 A. That question was answered earlier, and I
10 don't know.

11 Q. You have how many years in the phone
12 business?

13 A. Cable, as long as it continues to work, is
14 still within its normal life.

15 Q. But there have to be norms within the
16 industry as to what the expected life expectancy of
17 this cable is.

18 A. I think there are normal life expectancy from
19 a financial standpoint on calculating depreciation. I
20 don't think that there are norms as far as how long a
21 physical cable will last. It's subject to the
22 individual conditions in which it operates in.

23 Q. Let's approach it from that perspective.
24 What is the depreciation life on this cable?

25 A. I don't know. I'm a technical person, not a

1 financial person.

2 Q. Well, is it normal that this cable would last
3 36 years?

4 A. Yeah. We have a lot of cable that's 34 years
5 old that's still working and working fine.

6 Q. And you have no problems with it?

7 A. I don't personally have a problem with it.

8 Q. No, I mean you haven't had any problems as a
9 company with 36-year-old cable?

10 A. Well, again, we replace cable based on the
11 deficiencies in the cable. There are cables that we
12 have replaced that's much less than 36 years old. But
13 there's cables that's older than 36 years old. If it
14 still continues to operate, we will continue to
15 maintain it and use it.

16 Q. Okay. In your review of these complaints, is
17 it true that the Kleins and Ms. Figert have had to pay
18 the same monthly bill as the other U S West customers?

19 A. Again, I'm not a business office expert. I
20 assume that they pay the same rates, but I haven't
21 checked.

22 Q. With regard to the staffing needs, how are
23 those determined?

24 A. The amount of work that needs to be done is
25 analyzed. I think part of it is over time you

1 determine the amount of work that has to be done. If
2 you have a certain number of people working and they're
3 not able to complete the work in a normal day, you
4 start looking at having to add people.

5 Q. Who makes that determination for the
6 Valentine Exchange?

7 A. The manager that supervises the installation
8 and maintenance crew here, whose name is Myron Wassen.

9 Q. He determines the size of his work crew, in
10 other words?

11 A. I would think he would do that in concert
12 with his boss, who is the director for a much larger
13 area.

14 Q. Do you know if he's ever requested any
15 additional crew to service this area?

16 A. Yes, he has.

17 Q. And what was -- how recent was that?

18 A. Last, I believe, a year to a year and a half
19 ago we added another person to take some of the work
20 load away from the technicians. This person does cable
21 locates and other types of non-repair work that frees
22 up the technicians to do more repair work.

23 Q. Would you agree with me that it's important
24 to people such as the Kleins or Miss Figert that they
25 have the ability to call a fire department?

1 A. I think that's important to everyone.

2 Q. And that they have the ability to call law
3 enforcement if they need it?

4 A. The same answer.

5 Q. And if they have health problems, that they
6 have the ability to call their doctor or an ambulance
7 if it's severe enough?

8 A. Certainly.

9 Q. If this problem -- and you've been present in
10 the courtroom, have you not, during the entirety of
11 this hearing this afternoon?

12 A. Yes.

13 Q. And, as I recall the testimony, this problem
14 arose at least since January of 1998. Given that fact,
15 why has it taken until now for U S West to have some
16 "proactive" testing to be done?

17 A. First I want to correct one of your
18 assumptions. Mrs. Figert has indicated that she has
19 not had significant problems in 1998. And we have a
20 lot of customers out here. Only a small percent have
21 been represented today. And for a large majority of
22 them, my belief is that they have not had problems out
23 there.

24 Now, the Kleins and the others who have had
25 problems out there, first off, let's not assume that

1 the problems that they've had has been the same
2 problem. You can fix one problem and fix it perfectly
3 well, but a different problem can crop up. And so this
4 may not be to your question of why has it taken so long
5 to fix the problem, I wouldn't agree it's taken that
6 long to fix a problem. There may be a series of
7 problems here.

8 Q. Well, excuse me, but maybe I misstated the
9 question. If I'm understanding what you're going to
10 do, you're going to go out and do a bunch of diagnostic
11 testing now, significant diagnostic testing.
12 Proactive, I think, was the word you use.

13 A. Yes.

14 Q. The question I have is why did you wait until
15 now to do this significant diagnostic testing? Why was
16 this not started over a year ago?

17 A. Because previously looking at the trouble
18 reports that were available to the company, which is a
19 portion of the total trouble that the Kleins and others
20 have experienced, we can only make decisions based on
21 what we're aware of.

22 At those earlier times we thought we had the
23 problem fixed. And, in fact, this last fall when we
24 replaced the cable, I think we could make a case
25 sitting right now we think that the problem really is

1 fixed.

2 But given the number of customers out there
3 and the number of carrier systems, we want to ensure
4 that it has been fixed, so we're going to go to a
5 greater extent to examine the total route.

6 Q. Who makes this decision to do this proactive
7 testing?

8 A. I made that decision as part of my analysis
9 of this route, the trouble complaints, and what this
10 route looks like.

11 Q. So within the command structure of U S West,
12 you have the authority to request this be done?

13 A. That is not authority. That is a normal part
14 of my job. It is not something that the company
15 necessarily recognizes that I'm the one that makes that
16 decision. But I have personally gone to the local
17 managers and requested that they do this, and they have
18 agreed to cooperate and provide that analysis because
19 I've requested it of them.

20 Q. Well, did you monitor this situation at all
21 since the first of last year?

22 A. No, I wasn't involved until just recently.

23 Q. You were brought in as a part of a
24 troubleshooting team? Would that be a fair statement?

25 A. I would say it would be more fair to say that

1 because of my background and my current job
2 responsibilities I was brought in as a witness to help
3 explain to the Commission what the route looks like,
4 what the nature of the plant is, what its limitations
5 are, and to help identify what can best be done out
6 here to correct the problem.

7 Q. So, in other words, you became involved once
8 these complaints were filed, and then at that point in
9 time the decision was made to do this proactive
10 testing. Is that a correct characterization?

11 A. I was not aware of any of the trouble that
12 was out here prior to the complaints, that's true.

13 Q. So who is ultimately responsible for bringing
14 this to someone's attention within the organization
15 such as you? In other words, why weren't you involved
16 prior to the time that these people having to go to the
17 trouble of filing complaints?

18 A. The local I&M manager and --

19 Q. What's I&M mean?

20 A. I'm sorry, installation and maintenance
21 manager. And the local construction manager will
22 ultimately have responsibility for maintaining the
23 services in this area.

24 Because of the remote nature of this part of
25 the state, meaning both Nebraska and South Dakota,

1 where our telephone exchange is, those managers do work
2 out of Norfolk and they have come here. They do come
3 here.

4 I know that the installation and maintenance
5 manager has been involved in some of these repairs. I
6 don't know why something more aggressive wasn't done
7 previously, but I suspect it was because we weren't
8 aware of the extent of the problem.

9 Q. Well, based on your experience with U S West,
10 did somebody drop the ball here?

11 A. I don't think that's true.

12 Q. This is normal behavior?

13 A. Back up. Give me a chance to answer.

14 MR. WELK: Objection to the form of the
15 question. It's argumentative. He answered the
16 question. It's an argumentative question the counsel
17 has asked.

18 MR. HOSECK: It is not. I asked him if it's
19 normal behavior. I don't think it's argumentative.

20 MR. WELK: I made my objection.

21 COMMISSIONER NELSON: Let me finish answering
22 the first question before I get to the -- so noted.
23 We'll take it under advisement.

24 A. Understand that we can only operate on the
25 information that we're aware of. It has been testified

1 today that not all trouble that has been experienced
2 has been called in.

3 And, in fact, when I looked through the
4 trouble report for the complainants, it indicated to me
5 that the troubles had been extensive at some points in
6 time but was not necessarily continuing. And, in fact,
7 we have not had trouble reports that our records
8 reflect for the last several months, and we think that
9 we have made significant improvement on the service out
10 there.

11 Now, understanding the complexity of the
12 bytes helps to understand why it is sometimes hard to
13 really understand what's going on out there. Some of
14 the records, for instance, may not reflect everything
15 that's going on out there because trouble reports
16 aren't filed.

17 One customer calls in and they know there's
18 other trouble reports out there, but those are not
19 called in. And in some cases we have changed the
20 facilities that are used to serve the customer. And
21 when those facilities change, it may be hard to relate
22 one trouble history on one facility to the new facility
23 that's being used.

24 So the connection is not always understood.
25 I believe that it is the intent and desire of the local

1 people to provide good quality service out there. I
2 believe the testimony today has reflected by every
3 witness that the people that have responded have been
4 cooperative, they have tried, they feel that the people
5 are doing a good job of responding to the immediate
6 need.

7 But the nature, from a technical standpoint
8 of the particular problems out there, are not always
9 easy to find. You can have a problem in one piece of
10 equipment that can introduce problems on other lines,
11 and that may not be -- you may not be aware of that.

12 We had one case where we had a bad carrier
13 channel plug that served a customer and that customer
14 had wonderful service, but the nature of the trouble on
15 that channel plug was introducing trouble on seven
16 other workers, and all seven were complaining.

17 And we were trying to fix that set of
18 problems, and until we realized that the service that
19 was not complaining was the one that was introducing
20 the problem on the other seven, it wasn't fixed. Once
21 we understood what was happening out there, we replaced
22 the bad channel plug and cleared the trouble for the
23 other seven.

24 Q. Question: Why are none of the local people
25 here testifying?

1 A. Because I am better qualified to testify.

2 Q. Are you recommending any disciplinary action
3 against any of the local servicemen?

4 A. That is not the scope of my job. I'm here to
5 help identify what the nature of the problem is, and
6 hopefully we can work together to get it fixed.

7 Q. Does U S West have a strategic plan for
8 upgrading or replacing any of the Valentine Exchange?

9 A. Actually, as we speak, we are in the process
10 of upgrading some of the carriers on that particular
11 route, one of the other legs from SLC 8 to size core
12 SSCM.

13 Q. And what is the current status of any
14 strategic plans for upgrading?

15 A. Well, the upgrading is done on a case-by-case
16 basis, based on the number of spare facilities, new
17 customer services that are required. We look at
18 maintenance; we look at a lot of things. It's done on
19 a year-by-year basis. We don't have strategic plans
20 that go out 5 or 10 years.

21 Like I said, currently we are because of --
22 primarily because of growth requirements, we are adding
23 some size core carrier systems on the route. And as
24 coincidental to that we are replacing existing SLC 8
25 carriers and moving those workers over to the size core

1 equipment.

2 Q. Is it true. Mr. Peters. That U S West has
3 announced an intention to sell the Valentine Exchange?

4 A. It's my understanding that it is one of the
5 exchanges that we're looking at selling.

6 Q. Are you aware of any corporate policy within
7 U S West to not dump any dollars into exchanges that
8 they are intending to sell?

9 A. I don't know that there's a policy that
10 that's blatant. Each and every exchange, whether it's
11 one that possibly could be sold or not, we are
12 providing the dollars to maintain it and add to it as
13 it's reasonable business decision to do it.

14 Q. Well, are you under any directives from any
15 of your superiors not to take this system serious in
16 any manner? In other words, the problems that these
17 people have had?

18 A. I am not.

19 Q. And are you under any type of orders or
20 directives not to spend any more money on this exchange
21 than is absolutely necessary?

22 A. I am not.

23 Q. Are you aware of such orders being out there
24 that you haven't been relayed to you yet?

25 MR. WELK: Objection. That calls for pure

1 speculation.

2 MR. HOSECK: I'm asking him what he's aware
3 of.

4 COMMISSIONER NELSON: Okay. We'll note it
5 and I'll take it under advisement and you can proceed.

6 A. Is that a direction to answer the question?

7 COMMISSIONER NELSON: Yes, it is.

8 A. Okay. I'm not personally aware of any
9 decisions like that or orders like that. Like I said,
10 the company is being run on a business basis. We look
11 at each and every exchanges. We look at what the
12 requirements are. We are endeavoring to budget and
13 spend money to meet the needs of the exchanges.

14 Q. Well, you previously testified that it would
15 cost 4.4 million dollars to replace the cable in this
16 system and 1.2 million to replace the carrier. Are you
17 about to make that expenditure if you're going to sell
18 this exchange?

19 A. Regardless of what happens with selling or
20 retaining the exchange, we would not schedule that kind
21 of expenditure. That would not be a prudent business
22 decision.

23 Q. But in the meantime, you do agree these
24 people, these complainants here today, have a right to
25 basic telephone service?

1 A. Of course.

2 MR. HOSECK: No further questions.

3 COMMISSIONER NELSON: Do you have any
4 questions?

5 COMMISSIONER SCHOENFELDER: Yes, I have
6 several. First, let's go to the LATA map up there.

7 A. Okay.

8 COMMISSIONER SCHOENFELDER: Now, you've
9 corrected it so Miss Figert lives within the LATA
10 within U S West territory. Where is the LATA
11 boundary? These people are still in a South Dakota
12 LATA; am I not correct?

13 A. The LATA is, as I understand it, is a
14 Nebraska LATA that crosses the state boundary.

15 COMMISSIONER SCHOENFELDER: And then you must
16 have sometime gotten approval to use the 605 prefix in
17 that LATA; right?

18 A. I'm assuming, yeah.

19 COMMISSIONER SCHOENFELDER: Because everybody
20 out of the Valentine switch could not have a 605 area
21 code, could they? Am I not correct?

22 A. 605, I'm sorry, I'm not familiar with the
23 area codes up here. Nebraska?

24 COMMISSIONER SCHOENFELDER: No, it's South
25 Dakota.

1 A. Is that different than the area code for the
2 rest of the people in Valentine?

3 COMMISSIONER SCHOENFELDER: I don't know
4 because that's Nebraska. That would be a Nebraska area
5 code.

6 A. Then what they did is they partitioned the
7 switch so it recognizes 10-digit calling numbers.

8 COMMISSIONER SCHOENFELDER: But if they
9 reside in the Nebraska LATA, they have to have some
10 kind of permission out of MFJ to cross that LATA line,
11 if I'm correct.

12 A. Wait a minute, we got the LATA -- let me go
13 up to the map.

14 COMMISSIONER SCHOENFELDER: Because you were
15 talking about carrying the long distance and I want to
16 know if they're in the South Dakota LATA or Nebraska
17 LATA.

18 A. I think it's one LATA.

19 COMMISSIONER SCHOENFELDER: South Dakota is a
20 one LATA state. I don't know about Nebraska. I don't
21 think it is.

22 A. I think what happened is this is the state
23 line here. I think the LATA that's associated with
24 Nebraska crosses into South Dakota. And even though
25 this area is South Dakota, it's still a part of the

1 Nebraska LATA down here. So we couldn't carry a call.
2 for instance, from here or from here. It's actually
3 out of the switch here at Valentine up to Mission.

4 COMMISSIONER SCHOENFELDER: You can't even
5 carry it over to Winner?

6 A. Right.

7 COMMISSIONER SCHOENFELDER: You have to hand
8 it off to an interexchange carrier?

9 A. That's exactly right.

10 COMMISSIONER SCHOENFELDER: Talk to me about
11 the Valentine Erickson switch. Is it digital?

12 A. Now you're asking me questions that I wasn't
13 studied for. It's my understanding that the Erickson
14 switch is a digital switch.

15 COMMISSIONER SCHOENFELDER: But is this
16 switch equipped to do Caller ID or to do ISDN?

17 A. I don't know. I mean, it is a digital
18 switch. I don't know whether it's been programmed or
19 had that feature packet into it.

20 COMMISSIONER SCHOENFELDER: But U S West
21 deployed a lot of Erickson switches at one time that
22 were digital but were just basic, and that advanced
23 services could not come off of those switches. Do you
24 know if the one in Valentine has advanced services?

25 A. I don't know.

1 COMMISSIONER SCHOENFELDER: Okay. So we hav
2 the Klein School over here. And I have a real
3 concern. I am concerned about everyone having good
4 quality service. I have a major concern with the
5 school that cannot, under the environment, now receive
6 Internet service. Is there some way with this switch
7 or with your carrier system, some way that there can be
8 an inexpensive fix for that Klein School?

9 A. Not that I know of.

10 COMMISSIONER SCHOENFELDER: There's no
11 electronics? There's no way you can load that -- I
12 realize it's a long ways from the Valentine switch and
13 I understand that the degradation and so forth to a
14 certain extent. The technology leaves me at some point
15 in time. But I do know there's sometimes electronic
16 fixes you can do to boost the signal to help --

17 A. The problem --

18 COMMISSIONER SCHOENFELDER: -- the access for
19 those schools?

20 A. The analog carrier is not capable with
21 digital services. So the only way we could provide
22 like a 56 kilobyte line, which was requested earlier,
23 would be to replace all of the analog carrier with
24 digital carrier.

25 COMMISSIONER SCHOENFELDER: So the SLC 8

1 system is analog?

2 A. Yes.

3 COMMISSIONER SCHOENFELDER: And it doesn't
4 have the capability to carry Caller ID? You said
5 that.

6 A. Right.

7 COMMISSIONER SCHOENFELDER: But it can carry
8 other CLASS services?

9 A. Well, it's not really carrying CLASS services
10 because those services are resonant in the switch.

11 COMMISSIONER SCHOENFELDER: Can I ask you
12 this then? Does Signalling System 7 operate on this
13 system?

14 A. Signalling System 7 is an out-of-band call
15 set up between switches, so it really doesn't affect
16 the outside plant.

17 COMMISSIONER SCHOENFELDER: Doesn't the FCC
18 require you to have Signalling System 7 on all systems
19 now so that you can do number portability? Isn't that
20 a requirement you have under the '96 Telecom Act?

21 A. Yes, but we're mixing apples and oranges.

22 COMMISSIONER SCHOENFELDER: Straighten me out
23 then.

24 A. You have a network where you have a switch
25 here and a switch here. System 7 is the way the trunks

1 and the call is set up between the two switches. When
2 you have customers down here, they're unaffected by
3 System 7. System 7 is not a pertinent question.

4 COMMISSIONER SCHOENFELDER: It doesn't go the
5 local loop, is what you're telling me?

6 A. Right, exactly.

7 COMMISSIONER SCHOENFELDER: I would really
8 appreciate it if you look at a fix for that school.

9 A. Wireless satellite.

10 COMMISSIONER SCHOENFELDER: Actually, I
11 believe that you could look at an alternative method
12 for the school and suggest something. That would be my
13 recommendation. There's been a lot of back and forth,
14 and I just -- I'm just -- I think I've gotten to the
15 heart of the question because I read some of this
16 stuff.

17 And one of the things I think some of the
18 complainants are talking about is by the time the
19 repairman gets out there -- I happen to have lived in
20 country a lot like this, and when you have rain, you
21 have a lot it and then it dries out very quickly. And
22 what they're saying is the moisture that's inside of
23 one of your carrier systems or inside of one of your
24 pedestals, wherever it is the moisture gets in, that
25 it's dried out by the time the repairman gets there.

1 And what they're asking U S West to do, if I
2 understand this correctly, is to come out there to see
3 if they can find at one time before it's dried out. Is
4 that impossible for you to do, or can you focus on
5 trying to get that done?

6 A. I think that U S West is willing to try to
7 partnership with the people that's out there and see if
8 we can work something out where we can have better
9 communications and resolve the problems that are out
10 there.

11 I think that will take some further
12 discussions with the local people and the local
13 supervisor to having set that up, but I'm certainly
14 willing to take that back to him and discuss it with
15 him.

16 I think the way you positioned it is a little
17 bit different than what I thought I heard earlier. And
18 the way that you positioned it is can we do this to
19 resolve this problem, not necessarily to have instant
20 access to technicians on a forever basis. And I think
21 that the way you positioned it is something that is
22 feasible.

23 COMMISSIONER SCHOENFELDER: Okay. The next
24 question you talked about rolling out a new kind of
25 carrier system in part of the Valentine Exchange?

1 A. Yes.

2 COMMISSIONER SCHOENFELDER: Tell me what that
3 carrier system does.

4 A. That is a size core analog carrier system.

5 COMMISSIONER SCHOENFELDER: It's still an
6 analog carrier system?

7 A. Yes.

8 COMMISSIONER SCHOENFELDER: Why would you
9 deploy something that's not state-of-the-art?

10 A. Because you cannot mix analog and digital
11 signals on the same cable. Since there is only one
12 cable that serves that area, it either has to be 100
13 percent analog or 100 percent digital. And for us to
14 go out and replace all of the analog carrier and put
15 digital out there, it would again be many millions of
16 dollars.

17 COMMISSIONER SCHOENFELDER: Okay. I think
18 that's all I have.

19 COMMISSIONER NELSON: I have a couple. Let's
20 go back to the CLASS services and which ones are not
21 really available there. Voice messaging wouldn't be
22 available, Caller ID wouldn't be available; right?

23 A. First off, I don't know what the switch
24 generic is as far as what functions and features have
25 been built into the switch. So I have to answer the

1 question based on what types of services might be
2 possible to be provided.

3 And whether they're provided today or not, I
4 don't know. Voice messaging, I believe, is not
5 something that's affected by analog carrier because
6 that is a service that's resonant in the switch, just
7 like call forwarding.

8 COMMISSIONER NELSON: So it is available?

9 A. If that switch has been upgraded to provide
10 that service.

11 COMMISSIONER NELSON: You brought the subject
12 up about CLASS services would be available, some are
13 available, and some are not. But the only CLASS
14 service you talked about being available was call
15 forwarding.

16 A. I was using that as an illustration.

17 COMMISSIONER NELSON: So tell me which ones
18 you think are available and which ones you think are
19 not available.

20 A. Can I have a moment?

21 COMMISSIONER NELSON: Sure.

22 (DISCUSSION OFF THE RECORD.)

23 A. I think that would be a good discussion, and
24 I would be certainly willing to do that and do a late
25 filing to provide the features that are available at

1 the switch.

2 COMMISSIONER NELSON: That would be
3 acceptable.

4 When you talked about the repair record, you
5 said that possibly when somebody else had complained,
6 you might have fixed someone's problem. And then
7 somebody else complained, but you might have had to
8 take the system out of service for everybody in order
9 to fix the next person who complains problem.

10 Could you find in your records and determine
11 when, if any, time during this period between October
12 and January, during the complaint period, that you may
13 have taken their services out to repair someone else's
14 services so we know that that's indeed why they may
15 have been with or without service?

16 A. I will provide you what we have in our
17 records. Unfortunately, the records normally doesn't
18 have that much detail. It's usually a one-line note,
19 fill where the entry may be something like, you know,
20 fixed bad cable pair or replaced channel card. So it
21 really doesn't give us a history of everything the
22 technician had to do.

23 The best thing I could probably do would be
24 to sit down with the technicians and ask them to give
25 me, to the best of their memory, you know, when those

1 kinds of things may have happened. And if you would
2 like me to do that, I'll be happy to meet with the
3 technicians and get that information.

4 COMMISSIONER NELSON: Okay. That would be
5 acceptable too. You talked about physical limitations,
6 you know, when they were talking about the Internet and
7 whether or not people should have access to it or not.
8 And what did you mean by physical limitations?

9 A. Given the distance from the central office
10 switch and where the customer resides, or in this case
11 where the Klein School is located, there are technical
12 physical limitations as to what type of services we can
13 provide out there. And in this case we could not
14 provide, for instance, a 56 kilobyte service that far
15 out. It just physically won't work.

16 COMMISSIONER NELSON: Given the systems that
17 you are choosing to operate there with; right?

18 A. I would say unless we replaced it with fiber
19 and digital carrier of some type, possibly digital
20 carrier will work on the copper. I would have to go
21 back and do a more thorough analysis, but I don't know
22 if even the physical copper with digital carrier would
23 be good enough out there.

24 COMMISSIONER NELSON: Earlier there was
25 testimony as to the different schools. Some were

1 served by U S West and some were served by Golden
2 West. Is it fair for me to assume that Golden West
3 would have the same physical limitations that U S West
4 would to serve their schools?

5 A. Using the same technology, yes. And that's
6 why our attorney was trying to get more information,
7 and the witness didn't have it as to where Golden West
8 has central offices and how close those schools are to
9 the central office. In areas where the customers are
10 very close to the central office, it's much easier to
11 provide those kind of services. So I don't know what
12 the Golden West network looks like.

13 COMMISSIONER NELSON: Would you say that in
14 terms of providing like the Internet services and stuff
15 for these people, unless you go to this more digital
16 kind of system, that that's going to be very viable out
17 there? Is that what you're saying?

18 A. I'm saying that they claim they have Internet
19 access now. I think that that's great that they do,
20 but certainly it's not something that we think is
21 really viable over the network that's there. I'm glad
22 that they have some access. But to provide higher
23 speeds like 56 kilobyte, I don't see a design that will
24 work that far out without major rebuilding of the
25 network.

1 Now, I did say kiddingly to Commissioner
2 Schoenfelder that maybe a wireless solution would
3 work. And, in reality, maybe that is a solution that
4 would work. You know, some other technologies could be
5 investigated. Obviously, in this location there are
6 limitations because it's a long ways from, you know, an
7 area that might support those type of technologies.

8 COMMISSIONER NELSON: Am I to assume, too,
9 that -- you talked about most your cable was
10 underground, so is that -- what percent would be
11 underground?

12 A. 100 percent.

13 COMMISSIONER NELSON: It's 100 percent
14 underground. So why would the waving of the wires and
15 stuff be a problem?

16 A. The cable, when it's in the telephone
17 closure, the closure is above ground, and as you get
18 changes in pressure, like the wind that we had this
19 morning as we were driving here, even though you're in
20 a telephone closure, it can still create pressure
21 difference between the outside and inside of the
22 closure and it can cause the wires to move.

23 COMMISSIONER NELSON: In 1995 and 19 --
24 through 1998 they said that they had a lot more
25 problems than they seemed to be having today. And you

1 said you replaced 150-some feet of cable out there. So
2 you think this may have resolved the problems? That
3 the only thing you did is replace the cable?

4 A. I don't have a full history of everything
5 that we've done out there. Our records reflect that
6 there have been certain sections of cable that we have
7 replaced, although they have not been long or lots of
8 sections.

9 Obviously, there would be times when we've
10 done repair work on closures, or I know we replaced
11 some of the older closures out there with newer
12 closures and rebuilt those sections of the cable that
13 are above ground where they loop through the closures.
14 But the statement that I made about the 150 feet went
15 more to the issue that there has been a history of
16 trouble out there and it has been difficult to
17 isolate.

18 And I'm sure that we have gone out on more
19 than one trouble repair call on a number of the
20 customers where we couldn't -- I mean we did things
21 that seemed to help, but it never completely fixed the
22 problem. We believe that when we isolated the trouble
23 to the wet cable, replaced that 150 feet of cable, that
24 it helped to eliminate the problem on a more permanent
25 basis.

1 Now, because we hadn't had the type of
2 called-in trouble reports that we had been seeing
3 previously, that led us to believe that we had
4 completely fixed it. To the degree that the customers
5 may still be experiencing some problems, we want to
6 make sure that we get those problems fixed as well, so
7 that will be an ongoing effort.

8 COMMISSIONER NELSON: What causes the false
9 ring?

10 A. It can be a number of things. It can be a
11 bad circuit pack, or circuit pack that is starting to
12 go bad that's giving false signals on the system. It
13 can be stray electrical currents on the system, which
14 may be either induced from the electrical lines or
15 stray currents from lightning hits. It can be shorts
16 that are being read as some kind of a signal on the
17 line. It can be a number of things.

18 COMMISSIONER NELSON: What was the point you
19 were making up there when you were on the map and
20 talking about the Figert thing and the long distance,
21 you couldn't be responsible for the long distance when
22 they disconnect?

23 A. The point I was making is that not all
24 trouble reports are necessarily associated with the
25 local loop. For instance, a dropped long distance call

1 may be something that happened elsewhere on the network
2 such as in the long distance carriers network or at one
3 of the intervening switches.

4 So the only point I was making is that I
5 think it's human nature that when you already believe
6 that you're having trouble with your local phone line,
7 that every time you experience something, it is
8 associated with the local line. And I was making the
9 point that that's not necessarily true.

10 COMMISSIONER NELSON: But it could be true;
11 right?

12 A. I don't know of anything that would cause it
13 to drop in that way. Most of the trouble that we
14 normally experience are more like static conditions on
15 the line. You know, it's not something that drops a
16 call and then you hang up and immediately a dial tone
17 again and you can make another call, which was what was
18 happening in that case. I suppose it could happen.
19 It's just not something that I would expect to be
20 associated with the carrier or the cable.

21 COMMISSIONER NELSON: But, you know, when
22 things get wet and the connection is not always good, I
23 mean, it could have been coincidental that they happen
24 to be on a long distance call. And people's calls --
25 because I've had problem on my line and lost local

1 calls as well as sometimes losing long distance. Now,
2 it could be when there was a long distance carrier.
3 Wouldn't water sometimes disconnect people if the lines
4 were wet?

5 A. It has been my experience that normally you
6 don't have symptoms that -- say I get dropped in the
7 middle of the call, which means the line went dead and
8 then immediately by the time I hang up and take the
9 receiver off the hook again, it's already restored.
10 I'm not saying that it wouldn't happen, I'm just saying
11 it's not generally what I would expect to be a local
12 problem.

13 COMMISSIONER NELSON: Okay. I think that's
14 all the questions I have.

15 COMMISSIONER SCHOENFELDER: I have one more.
16 Explain the 411 phenomena here.

17 A. I don't know what's causing that.

18 COMMISSIONER SCHOENFELDER: Is that a switch
19 or a carrier problem?

20 A. I want to have the local switch technician
21 look into that. And probably we'll talk to the switch
22 planner and engineer for Valentine and see if they can
23 do some more research on that. It appears to me that
24 it could be possibly the switch, there's something
25 wrong in there, or it could possibly be the SLC 8

1 carrier, if we got stray current and that current is
2 being interpreted by the switch as a dialed digit.

3 Given the fact these are three-digit numbers
4 that are being "called," it possibly could be something
5 associated with the loop plant. We will want to do
6 some further checking. Because, like I said, I wasn't
7 aware of that problem being that predominant with so
8 many people, and so we definitely -- it might be a
9 switch. If it's that widespread, it may not. We'll
10 have to do further checking.

11 COMMISSIONER SCHOENFELDER: I have one
12 point. Staff, are you calling witnesses?

13 MR. HOSECK: No
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1 COMMISSIONER SCHOENFELDER: I have something
2 that I don't want to have dropped because many of the
3 complaints have to do with billing problems also and
4 you agreed to have someone take care of the billing
5 problems with them. I want to have at least some way
6 that we get a report back on those billing problems
7 before we make a final decision in these cases.

8 MR. WELK: How would you like to do that?

9 COMMISSIONER SCHOENFELDER: I'm looking for
10 discussion. I understood you were going to work those
11 out and it wouldn't be this witness. But I wanted you
12 to, as the attorney, to make sure so that the
13 complainants know that if they're not satisfied, they
14 need to let us know some way.

15 MR. WELK: I would like to have them meet
16 with Colleen with exhibits we've got and have Colleen
17 be the front person on that so she has what the
18 complaint is, what the bill is, who to report back to.
19 And then I would propose, Commissioner Schoenfelder,
20 that we then give you a report back on what Colleen has
21 found and what she has done.

22 COMMISSIONER SCHOENFELDER: I would expect
23 the complainants then to at least let us, you know,
24 know whether they're satisfied or not with the billing
25 problems.

1 MR. WELK: I would expect we copy the report
2 to the complainants and if they're --

3 MS. SEVOLD: I think some of them have
4 already left. I'm concerned about getting all of them
5 a process where I can be sure I have all of them,
6 because I think some of the complainants have already
7 left.

8 MR. MILTON KLEIN: We entered some of Regina
9 Lamoureux's.

10 COMMISSIONER NELSON: Let's finish this and
11 then we'll get to that. I have one more question. Is
12 this SLC 8 considered an Anaconda carrier system?

13 A. Anaconda is a brand name. It is an analog
14 carrier system like Anaconda, but it's manufactured.

15 COMMISSIONER NELSON: It just has a differen
16 name?

17 A. Right. They would use the same design and
18 technical parameters.

19 COMMISSIONER NELSON: Different manufacturer

20 A. Right.

21 COMMISSIONER NELSON: Thank you. Now we'll
22 go back off the record and talk about the calendar.

23 (A DISCUSSION WAS HELD OFF THE RECORD.)

24 COMMISSIONER NELSON: Back on the record.

25 MR. WELK: I'll represent to the Commission

1 what we've agreed.

2 In response to Commissioner Schoenfelder and
3 Chairman Nelson's comments about the -- and my
4 representation that we would assist the complainants
5 with their billing, we have offered this solution:

6 That before we leave here, all of the
7 complainants, to the extent they have all their records
8 available, to provide them to Colleen Sebold, the
9 manager of regulatory affairs; and she will undertake
10 to resolve the billing disputes and to correct them and
11 then to continue to communicate with the complainants
12 as they receive their bills, because there may be some
13 in the next billing cycle they haven't caught.

14 But then at the end when we believe we have
15 rectified all that, we will provide a report to the
16 Commission, with a copy to the complainants; and if the
17 complainants believe that they've not been resolved,
18 they would have the avenue to tell the Commission that
19 their billing complaints have not been resolved.

20 COMMISSIONER NELSON: Thank you. Now would
21 you like to redirect?

22 MR. WELK: No, I don't have anything more.

23 COMMISSIONER NELSON: Do any of the parties
24 want to ask any other questions?

25 MR. LAWRENCE KLEIN: I'm wondering if this

1 problem is revolved with him, or if we're going to have
2 ongoing problems until somebody gets out there and
3 finds out what's wrong?

4 MR. PETERS: What I would like to do is work
5 through you folks and -- is it Milton Klein? Maybe
6 Mr. Milton Klein would allow us to have him be the
7 focal point, or the contact person, for all of you; and
8 we can try to keep him involved and keep him informed
9 of what's going on as we go through this analysis of
10 the cable and try to do a more global analysis and
11 repair.

12 At the same time, I would like to go back to
13 our field technicians and let them know that the
14 problem is perceived to be far greater than we realized
15 before and try to effect some communication with each
16 of you to work on your individual problems and see if
17 we can get those fixed.

18 Obviously, there's been a lot of people here
19 today that provided testimony, and it would be easier
20 if Mr. Klein wouldn't mind if we kind of used him as a
21 focal point. But we will be working with each of you
22 individually.

23 COMMISSIONER NELSON: Mr. Klein, do you still
24 have other questions that you want?

25 MR. MILTON KLEIN: Well, same logic I think

1 applies to the billing. I don't know whether we want
2 to ask that, but we have -- this is also a broader
3 problem than the four people in here. And we've
4 addressed some of -- that some of the people have
5 indeed left that had billing questions.

6 Some people had in writing indicated that
7 they would and that some of that testimony was somewhat
8 disputed, but those people -- it's also broader and it
9 also ought to be handled in the same fashion as what
10 he's suggesting.

11 COMMISSIONER NELSON: Are you only asking
12 about the people that were here today as witnesses?

13 MR. MILTON KLEIN: No. I'm asking about the
14 whole neighborhood. There's a number -- there's
15 several individuals who indicated they had those
16 problems who weren't here today as witnesses.

17 MR. WELK: Billing issues, why, I want to
18 have one person that people call, all right, so that
19 way we don't lose track of this. So I think Colleen is
20 the person on the billing that ought to be the head
21 person so we can have one person to communicate.

22 MRS. FIGERT: How do we reach her?

23 MR. WELK: She'll give you a card.

24 MR. RANDY KLEIN: She will handle the
25 complainants?

1 MR. WELK: Any complaints you've got to the
2 billing, we will have one person take care of it. All
3 right?

4 MR. RANDY KLEIN: You mentioned in whatever
5 you call this on the record, you said complainants, but
6 some of us are not the four complainants.

7 MR. WELK: If you were here today and had a
8 complaint, you shouldn't pay for something you
9 didn't do.

10 MR. RANDY KLEIN: Like I said, I didn't know
11 who to go to. AT&T?

12 MR. WELK: It is confusing, sir. Colleen has
13 got plenty of cards.

14 COMMISSIONER NELSON: The billing relief
15 you're talking about, though, goes to anybody that was
16 here and/or complained; right?

17 MR. WELK: Right.

18 COMMISSIONER NELSON: Is that inclusive
19 enough? Is that what you had in mind, because I heard
20 you saying broader than that?

21 MR. MILTON KLEIN: I would respectfully
22 request that she be asked to go through this exhibit
23 that I put together and do all of the individuals who
24 indicated that they had this problem should be
25 contacted and have the problem resolved. That's what I

1 asked.

2 COMMISSIONER NELSON: That's what I thought
3 you were saying. Would that be agreeable?

4 MR. WELK: Do they have all their bills
5 attached? I didn't have time to go through.

6 MRS. SHERYL KLEIN: Not all of them.

7 MR. WELK: We need to know what the problem
8 is with the bill. That's fine. I'm not playing the
9 legal objection here. But the people that have a
10 complaint, you have got to give Colleen the bill and
11 what their problem is so when they call somebody, she
12 can say for customer X this is a \$45 charge. Otherwis
13 you're going to have people spend a lot of time. So i
14 you can have them put their bills together like yours
15 are, you've got circles, that's the kind of thing she
16 needs to go total them up and get rid of the credit.

17 COMMISSIONER NELSON: I think Mr. Welk is
18 agreeing to handle those complaints if they contact
19 Colleen and submit a bill.

20 MR. WELK: Give them a bill and send it to
21 Colleen.

22 COMMISSIONER NELSON: That would be agreeabl
23 then.

24 COMMISSIONER SCHOENFELDER: I think
25 Mr. Peters is asking Mr. Klein to take the point sort

1 of on who is having trouble problems. Is that what I
2 understood or not?

3 MR. PETERS: Yeah.

4 MRS. FIGERT: Should we report problems to
5 him then?

6 MR. WELK: No, no, no.

7 MR. PETERS: Let's clarify. I think what I'm
8 asking is that everyone report their own troubles
9 through the normal reporting process. But given the
10 fact that we have ongoing work we'll be doing out
11 there, as we are out there doing testing, we may from
12 time to time call Mr. Klein and say, "You know, we're
13 going to be out in this area on these days doing these
14 tests."

15 There may be times we have to be
16 disconnecting clients while we're doing testing and we
17 need the people out in the area to generally know that
18 we're going to be working at that on this week so that
19 you guys are apprised of what we're doing.

20 On top of that, we will be trying to work
21 through on an individual basis with the outstanding
22 trouble that has been testified to today so that the
23 people who have testified, we can work with them. I
24 may need a more complete list of names and phone
25 numbers from you since you know all the people. And we

1 can work with those people to try to solve their
2 individual problems.

3 Generally, we may want to call Mr. Klein up
4 and say, you know, "How does things seem to be going
5 out there? Is it getting better? Is it staying the
6 same? Is it getting worse? What type of problems,"
7 assuming there's some communication going on in the
8 community of interest there, and he might be aware of
9 that. If that is not something you can do, we need to
10 know that right now.

11 MR. MILTON KLEIN: I'm not sure I can.

12 MRS. FIGERT: When we call in the complaint
13 to U S West, we also need to let him know, don't we?

14 MR. PETERS: I don't know to what degree
15 there's conversation.

16 COMMISSIONER NELSON: Let's just say this: I
17 think it's the company's responsibility to communicate
18 with each of the people involved here and it isn't
19 Mr. Klein's responsibility to do that. Now, if he were
20 willing to do that, it's his decision.

21 But I think it's a whole lot cleaner if the
22 company continues to contact the people who have
23 complained and let them know what's going on and when
24 it's going to happen, because that seems like an awful
25 lot of responsibility.

1 MR. WELK: But the customer ought to assume
2 the responsibility to report.

3 COMMISSIONER NELSON: They still have that
4 responsibility, but the communications between the
5 company and the complainants should go on not between
6 Mr. Klein.

7 MRS. SHERYL KLEIN: We're not going to be a
8 liaison.

9 MR. LAWRENCE KLEIN: I talked to Mr. Peters a
10 while ago, and I asked him how come this outage wasn't
11 reported. I reported it in, and it wasn't reported on
12 my number. And evidently he hasn't got any record of
13 it being called in. But I called it in. It wasn't him
14 because his phone is out of order.

15 MR. RANDY KLEIN: The repair will be listed
16 on mine if he looked under my number. He just looked
17 under just the four complainants.

18 MR. LAWRENCE KLEIN: I understood that
19 right?

20 MR. PETERS: We have 40 customers that worked
21 on that route where you folks live, so I did not go
22 through every 40 customers and try to build a history.
23 I looked at the ones that --

24 COMMISSIONER NELSON: We do need to get back
25 to redirect. Recross?

1 MR. WELK: I don't have any.

2 COMMISSIONER NELSON: Staff?

3 MR. HOSECK: No.

4 COMMISSIONER NELSON: Any final questions
5 from the Commission?

6 COMMISSIONER SCHOENFELDER: No.

7 COMMISSIONER NELSON: Okay. Thank you.

8 MRS. JOANN KLEIN: May I ask you a question?
9 Technically, all right, my phone is out. Sheryl has
10 called in to say our phones are out. How would you
11 like me then to tell you that I had phone troubles?

12 COMMISSIONER NELSON: Let's go back on.
13 We're still on the record. And I think that since
14 there aren't any questions for you, Mr. Peters, you're
15 excused.

16 MR. PETERS: I can answer that question if
17 you want me to. I think just as a way of
18 clarification, one person can call in. We're not
19 saying each individual person has to call, but when
20 that person calls in, if they say, you know, "I am at
21 such and such a phone number and my phone is out, and
22 also I know for a fact that the following people have
23 their phone service out and their phone numbers are
24 whatever."

25 Then we can take a report on one phone call

1 for maybe two or three, four lines, just so we get it
2 on the record that those other numbers were affected as
3 well. So we're not trying to inconvenience you by
4 asking each person individually to make the phone call.

5 MRS. JOANN KLEIN: Well, I just wondered how
6 it would be helpful, you know, how could it be helpful.

7 MRS. FIGERT: Can I paraphrase your
8 question? She doesn't have phone service. She's
9 elderly. It's blizzarding out. She can't call U S
10 West to report her outage. She can't call her son to
11 report her outage. She can't call me to report her
12 outage. She can't call anybody. That's her question.
13 How is she supposed to let you know?

14 MRS. JOANN KLEIN: That's not what -- he's
15 going to know. He's going to -- we have contact with
16 Milton every day.

17 MRS. FIGERT: How?

18 MRS. JOANN KLEIN: He comes down. But how do
19 I relay the fact that ours, too, was out?

20 MR. PETERS: If Milton has already called in
21 and reported his trouble and he's not aware that you
22 had trouble also, it would be helpful if after he
23 became aware of the fact that your line was also out,
24 if a second call was made. But if he's aware of your
25 line being out before he makes his call, he can report

1 both telephone numbers on the same call.

2 COMMISSIONER NELSON: Sheryl, did you have a
3 question?

4 MRS. SHERYL KLEIN: Yeah, I have two.
5 Forgive me, it's getting late in the day. But I'm
6 curious, given the absence of a long-term strategic,
7 which you indicated, does this mean we can expect to be
8 denied Internet access and other CLASS features which
9 aren't yet articulated in the years to come?

10 MR. PETERS: Yes.

11 MRS. SHERYL KLEIN: Wonderful. Maybe I
12 didn't want to ask that. Okay.

13 Secondly, your field technicians have made
14 comments to me and my husband and others in the
15 neighborhood something to the effect, "Gee, this is an
16 old line. It ought to be replaced." What does that
17 mean to you?

18 MR. PETERS: It means that they were
19 individually frustrated with trying to locate a problem
20 that was not easy to locate.

21 MRS. FIGERT: Could it also be interpreted
22 they were giving a professional opinion, professional
23 assessment of what they think could be done? It would
24 make their job easier, too, wouldn't it?

25 MR. PETERS: I think that it's the analogy

1 would be that keeping an older car repaired is
2 sometimes more frustrating than a newer car, but it
3 doesn't mean that the old car doesn't work.

4 MRS. FIGERT: Are we allowed to give closing
5 statements?

6 COMMISSIONER NELSON: Yes, we are. We'll get
7 to that. Are there other questions for Mr. Peters?

8 Seeing no other questions, thank you, and
9 you're excused.

10 Does the staff have any witnesses?

11 MR. HOSECK: No witnesses.

12 COMMISSIONER NELSON: Okay. Since staff
13 doesn't have any witnesses, would the complainants like
14 to make closing statement?

15 MRS. FIGERT: I would. I heard very little,
16 but I did hear the word shareholder. And it seems to
17 me the bottom line in connection with this entire
18 process is financial. It is fiscal to me. That's what
19 I'm interpreting.

20 As a business person for 33 years, I think
21 I've heard a little bit about the difference between
22 profits and service. Profits are nice; make
23 shareholders happy. But if you're not providing
24 service, you're not going to make profits. And if you
25 don't have profits, you're not going to have

1 shareholders.

2 It's my closing argument that service is more
3 important than profits and shareholders, because if you
4 have one, you will have the other. It's kind of like
5 the analogy of choosing for love or choosing for
6 money. You choose for money, you lose both. You
7 choose for love, you get both. Thank you.

8 COMMISSIONER NELSON: Thank you. Mr. Klein.

9 MR. MILTON KLEIN: I don't have any closing
10 remarks other than what I stated in my summary and my
11 opening remarks.

12 COMMISSIONER NELSON: Sheryl.

13 MRS. SHERYL KLEIN: Well, I'm going to be
14 leaving this meeting with a feeling of disappointment.
15 The future sounds kind of bleak for my neighborhood
16 unless you provide us relief. That's it.

17 COMMISSIONER NELSON: Lawrence?

18 MR. LAWRENCE KLEIN: I think I have kind of
19 assumed what's going on, and I think that they're
20 trying to do their part. I feel they are. I don't
21 think that we could expect the new cable out there, no
22 way. I think they'll do their part. But we're going
23 to have to make sure that there are -- they know what's
24 going on.

25 COMMISSIONER NELSON: JoAnn.

1 MRS. JOANN KLEIN: I will keep a data diary
2 of everything that goes on on the phone that's not
3 right, and I will attempt to let people know when
4 things didn't go right.

5 COMMISSIONER NELSON: U S West.

6 MR. WELK: I have no closing statement.

7 COMMISSIONER NELSON: Okay. Staff.

8 MR. HOSECK: Yes. Thank you. Madam

9 Vice-Chairman and Commissioner Schoenfelder:

10 I think what we've heard today here is that
11 here we sit on the edge of the 21st Century and these
12 people need basic phone service and they also need
13 phone service beyond the basic voice grade. As a
14 matter of fact, they are not getting either.

15 And it appears to me from the approach that U
16 S West has taken in this matter that they are not
17 seeing the forest for the trees. The trees have come
18 up in front of U S West for over a year in a series of
19 complaints from these complainants.

20 And what is the solution? After these people
21 go to the problem and the trouble of filing formal
22 complaints with this Commission, and we come down here
23 for a hearing, U S West comes up with what is called a
24 "proactive testing system."

25 If this would have really been proactive, it

1 would have taken place well over a year ago and this
2 probably would not have had to take place today and
3 these people could have gone on about their lives
4 without them being interrupted in the manner that they
5 have. I seriously question the seriousness of U S West
6 in treating their customers fairly in this exchange.

7 And as the evidence has shown, their solution
8 in this matter is to sell the exchange. And in the
9 meantime, these people have to live here, they have to
10 call their doctors, they have to conduct their
11 businesses, they have to take their kids to school.
12 They have to do everything that ordinary people do in
13 their lives when they depend upon reliable phone
14 service. The phone service is not reliable.

15 And what do we get? A promise. A promise,
16 mind you, that within 60 days testing will be done.
17 There is no solution that's been brought before this
18 Commission.

19 And in all due respect, I ask the Commission
20 for an order. This has gone on long enough. These
21 people should be able to rely upon the service, and
22 there should be an order to upgrade this service.
23 Thank you.

24 COMMISSIONER NELSON: Okay. Then we need to
25 discuss the directing of the schedules, so let's go off

1 the record.

2 (A DISCUSSION WAS HELD OFF THE RECORD.)

3 COMMISSIONER NELSON: All right. We'll go
4 back on the record. And we're going to do the briefs
5 by February 15th. The report should be due by April
6 4th. The letter is supposed to go out to the customers
7 that you have on your list there asking for them to
8 send their bills to you about any disputed payment that
9 they might have over the improper billing.

10 MR. WELK: Yes, Chairman. That is all the
11 people that are proposed in Exhibit 11 by Mr. Klein,
12 all those people?

13 COMMISSIONER SCHOENFELDER: The admitted and
14 not admitted.

15 MR. WELK: Those admitted and not admitted.

16 COMMISSIONER NELSON: And you're going to
17 report back on the 24th of March?

18 MR. WELK: Correct.

19 COMMISSIONER NELSON: That should close the
20 hearing.

21 (THE HEARING CONCLUDED AT 5:10 P.M.)

22

23

24

25

1 STATE OF SOUTH DAKOTA)
2)
3 COUNTY OF HUGHES)
4

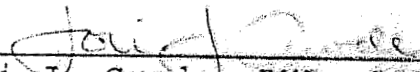
5 I, LORI J. GRODE, Registered Merit Reporter
6 and Notary Public in and for the State of South
7 Dakota:

8 DO HEREBY CERTIFY that the above hearing,
9 pages 1 through 209, inclusive, was recorded
10 stenographically by me and reduced to typewriting.

11 I FURTHER CERTIFY that the foregoing
12 transcript of the said hearing is a true and correct
13 transcript of the stenographic notes at the time and
14 place specified hereinbefore.

15 I FURTHER CERTIFY that I am not a relative or
16 employee or attorney or counsel of any of the parties,
17 nor a relative or employee of such attorney or counsel,
18 or financially interested directly or indirectly in
19 this action.

20 IN WITNESS WHEREOF, I have hereunto set my
21 hand and seal of office at Pierre, South Dakota, this
22 12th day of February 1999.

23 
24 _____
25 Lori J. Grode, RMR, RPR

TC98-183, TC98-184, TC98-199 and TC98-212

[illegible]

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA
500 E Capitol, State Capitol Building, Pierre SD 57501

COMPLAINT

TC 98-183

RECEIVED

OCT 08 1998

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Complainant(s) (Persons filing the complaint)		Respondent(s) (Persons or Company complained against)	
Name	Sheryl L. Klein	Contact Person	?
Address	HC 14, Box 37	Company	U. S. West Communications
City, State, Zip	(Rural Todd County, SD) Valentine, NE 69201	Address	P.O. Box 9301
Home Phone	(605) 378-1709	City, State, Zip	Des Moines, IA 50306
Work Phone	(605) 856-4891	Work Phone	1/800 224-1111 (Billing & Service)
Cellular Phone	NA	Cellular Phone	
Fax #	NA	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:

(See attachment,
Parts I & II)

EXHIBIT

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.

HC 14, Box 37
Valentine, Ne 69201-9611
October 7, 1998

Consumer Affairs
Public Utilities Commission
State Capitol Building
500 E. Capitol
Pierre, SD 57501

Subject: Klein phone Problems on (605) 378-1709; 378-3851

Dear Sir/Madam:

On Tuesday, October 6, a repair crew from US West found and fixed a short in a neighbor's terminal box. I am convinced that this problem was the direct cause of the phone troubles we have been having since January.

The short was found in the terminal at the end of a neighbor's driveway. It was in the end of an old telephone line where it was spliced onto the newer main lines. (Main lines were replaced approximately 15 years ago, but the final lines to individual residences were not.) This short appears to have been activated by high humidity, not direct water infiltration. Since we are on the same "system" as this neighbor, the problem affected us all.

Several factors contributed to the difficulty in finding this problem:

- 1.) By the time repairmen responded to trouble reports, the area had probably dried and was often no longer shorting out.
- 2.) This rural system (I believe they call it a "Slick 8") operates at high voltage. The short caused less than a 1% drop in voltage, which apparently was hard to detect.

Despite the likely repair of our immediate problem, I still have several questions in reference to the future reliability of our phone service:

- 1.) Are all rural phone systems this finicky and difficult to trouble shoot? Would a different engineering design be more reliable?
- 2.) Would replacing all the old wires, including those final legs to the residences, reduce potential problem spots?
- 3.) Would a more direct reporting system shorten the time it takes to answer trouble reports? Currently, customers report problems to a central office which relays work orders to the field staff.

- 4.) Do field crews have the necessary equipment to thoroughly trouble shoot our system?
5. Is adequate staff available to answer calls for service in a timely manner?

Sincerely,


Milton J. Klein

cc: Myron Wasson, Manager
US West Communications
921 South 9th Street
Norfolk, Ne 68701

I. BELOW ARE ENTRIES THAT HIGHLIGHT THE DIFFICULTIES WE (SHERYL L. AND MILTON J. KLEIN) HAVE HAD WITH US WEST'S PHONE SERVICE, GOING BACK TO AT LEAST JANUARY, 1998.

1. Poor quality conversations. Many of both local and long distance calls have been full of static and other odd sounds, so much that conversations have been difficult to impossible.

2. Cut-off calls. We have had many calls cut off abruptly and the line goes dead.

3. Odd sounds. The phone, while not being used, emits odd sounds at random times, such as pinging, rings that sound "chirpy", and full rings that sound normal, but once the phone is picked up the line is full of static or simply dead. These odd sounds are particularly troublesome at night, as we cannot sleep. My family is faced with the dilemma of getting up and answering the phone (maybe it's a life-threatening emergency?) or ignoring it, as almost invariably it is simply dysfunctional.

4. Dead phones. Occasionally the line is inoperable; either it is completely dead or, upon lifting it up, emits only static. We then have zero ability to send out or receive calls. Sometimes this goes on for days.

5. Difficulties in doing business. When the phone is dysfunctional, we cannot receive or transmit calls, e-mail, etc. We run our business out of our home (M. & S. Klein, Inc.).

6. Lack of helpful service; lack of permanent resolution. We have made many calls for repair. We were always told "it will be fixed by xxx time". Temporary "fixes" seemed to occur, but each time the phone later reverted back to being unreliable. In addition to the official record of calls for service, we have experienced many other outages that were not reflected on that record. This is due to the fact that sometimes the outages were short-lived and by the time we were dissatisfied and ready to call in, the phone resumed normal operation.

Last spring we were wrongly billed a number of charges for calls for local directory assistance. In February alone we had 21 such calls billed. That did not make sense, as we have local phone books to find numbers in. Many of these alleged calls occurred during the middle of the night and corresponded to times when our phone was making those odd sounds. We had to make persistent calls through the US West network to explain those incorrect charges and get them deleted from our bill. We were told (as if US West helper did not believe us): "We'll take these charges off your bill THIS TIME, but don't let it happen again!"

Another time we were told a US West helper (upon reporting yet another outage): "Well, if your phone doesn't work, have you considered using a cell phone instead? We can help you get that service". We were set back by that response. First, we pay for regular service and expect it to work 100%. Secondly, we are in a "dead zone", so cellular is not an option.

We have called the SD PUC on a number of occasions. They have made contacts with US West to urge them to remedy the problems. That has not resulted in any permanent resolution.

II. HOW THIS HAS IMPACTED US.

1. Some typical episodes.

This past week the phone was inoperable. On October 1, repairmen, including the manager from Norfolk, were here to attempt to fix the problem. That night it rained and by morning on October 2, the phone was acting up again. As of this writing (Sunday night, 10/4) the phone is still not reliable. Most of these outages seem to occur when moisture conditions are high. Many of our neighbors are experiencing similar problems. (See attached notes, pp 3-5)

On Monday, 9/21/98, it rained and the phone went out of order. Plus, our neighbors' phone was not operating. The local radio reported our sons' school was cancelled due to water line problems. Sheryl was unsure about her job's status (at a local college). Sheryl tried to call in to her office in Mission; she could not as the phone was dead. She then tried to use the neighbor's phone; their's was dead, too. So, Sheryl drove into work (40 mile round trip). Work was cancelled due to no water. Sheryl ended up turning around and going back home. Significant time and car/fuel were wasted due to phone dysfunction.

This past summer we went through a several week spate of erratic phone service. That time coincided with Sheryl's efforts to contact job applicants (she is the director of a department at the Sinte Gleska University in Mission). Some applicants tried to call our home number (as Sheryl is on a part-time work schedule in the summer). Weeks went by wherein we occasionally could not get calls in or out. One applicant told Sheryl it had been a most frustrating experience, as he had made many long-distance calls that were either cut-off or totally could not get through.

2. Health and welfare of our family.

A more significant impact is how this has affected our family. We live in a remote area and rely on the phone for getting help, particularly in emergencies. We are very concerned about medical problems, such as a life-threatening farm accident or sudden illness of our neighbors, Clifford and JoAnn Klein. They are our elderly parents, live 1/4 mile away, are handicapped, have similar phone troubles, and have also filed a formal complaint. Other neighbors in the area also tell us of unreliable phone services.

We are very worried about such situations occurring, and not being able to summon help.

III. WHAT WE WANT DONE.

We want the line fixed completely and permanently, so it functions at a 100% reliable level. We want this done now, before another winter sets in. We have been told of several possible problems by US West repairmen including aging lines and old "systems". We do not know what the solution is, but we want it found and implemented now. We ask that US West be required to make whatever investment is necessary to fully remedy the problem.

We also want to be reimbursed a reasonable amount for the loss of phone service and the associated stress and hassles. We request \$500.00.

Notes As of 10/5/98, no list of calls for service has been rec'd from US West.

Phone on 10/2

Mrs. Klein, p. 3

not enough power to ring portable thru ans mach plus
desk phone, even when modem disconnected

1 PM - got cut off when checking E-mail -

only desk phone plugged in - it was dead for app 5 min
thereafter

2 PM - wanted to make call, but phone dead - few minutes later,
made call but lots of static.

3:10 PM - cut out - no dial tone couldn't call out -
only desk phone plugged in

Grandpa's phone ringing this AM - also was dead period. with

Called @ 1750 to report trouble - Monday?

8:00 pm Sheryl tried to call folks - couldn't get
thru

No evening e-mail or net.

(Q - if pager off, do still need power?)

3 Oct Phone

M. S. Klein, p. 4

- 0600 - clear
0700 - static
0810 - no dial tone - only static
0815 - chirping - when pickup operator message - can't hear
dialed, etc - no dial tone
0850 - tried to check Email - got cut off, unable to
reestablish contact - no dial tone.
can't call out. dialing results in loss of dial tone, no
etc.
1130 - crackly dial tone - tried 321 - rang 1 1/2 times -
gave dial tone, then none. tried 321 again rang once
back to crackly dial tone
5:30 p.m. - tried to call Cliff & JoAnn - ~~could~~
couldn't get thru due to static

4 Oct - called Mom @ 0820 - rang once, then broke off
ring =
static all day

Mom's phone "pinging" @ 4 PM

Called Randy ^{Klein} - his phone static - his Mom's ^{Jo & Lawrence Klein} was
cutting out like ours on Friday. Randy said Abbott's had
trouble, too.

50 of 0600 0500 - ~~from~~ tele ringing by self

0600 - erratic call get on Inet - can't call for
help on computer
Eve - wanted to call neighbors re their problems, couldn't.
about 10:00 pm - tried to access e-mail & net -
couldn't.

0600 - 0700 - 0800 No e-mail or net - phone full
of static + can't get connection.

Tried to call Chiff + Jo Ann = couldn't get thru ^{assu}

Tried " " Notary (Margaret) to ensure she'd
be in = couldn't get thru.

Need to make several appts in Valentine ^(inc. med)
can't get thru. Will have to do from Mission (long
etc.) + incur long distance charges.

Can't call US West - will have to call from
Mission.

Phone inoperable.

RECEIVED

OCT 14 1998

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

10/11/98

ATTACHMENT TO THE SHERYL KLEIN COMPLAINT, DATED 10/5/98

Please accept this letter and the attached phone bill as further evidence in my complaint.

South Dakota Public Utilities Commission Members
Dear Sir/Madam:

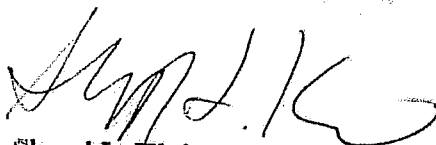
I recently received the attached bill from US West Communications/ATT, covering the time period 8/30/98 to 9/29/98.

Note the charges for "Direct Dialed Calls", 9 calls total, on 9/21-9/22/98. These are the same kind of odd calls we were charged for last spring (see our Complaint). Also, there is a \$1.55 "call trace activation" charge on 10/5/98. We definitely did not initiate any of these calls. All were calls apparently triggered by our line "shorting out" during several periods of phone troubles. During these times our phone was non-functional, as described in our Complaint.

So now, in addition to experiencing the loss of phone service, we have to do battle with the phone companies to get these charges deleted. Any help your office can render will be appreciated. The US West billing people seem to have a difficult time believing us.

At about the same time, my in-laws (Clifford and JoAnn Klein) experienced the same kind of erroneous charges. They have also submitted similar additional evidence to their Complaint.

Thanks for your consideration.



Sheryl L. Klein
HC 14, Box 37 (rural Todd County, SD)
Valentine, NE 69201

Ph. (605) 378-1709

Cc: file

Balance Forward	New Charges	Total Amount Due	Due Date for New Charges
\$0.00	\$55.61	\$55.61	Oct 28, 1998

Account Summary

▼ Previous Balance

Charges	55.42
Payment	55.42
Balance Forward	\$0.00

Thank you for your payment

▼ New Charges

U.S. WEST Communications	1-800-244-1111	29.74
AT&T	1-800-222-0300	23.32
MCI Random Invoice	1-800-244-1111	2.55
Total New Charges		\$55.61

For questions, call:

TOTAL AMOUNT DUE \$55.61

We appreciate your business.

A late payment charge of 1.5% or minimum of \$1.00 may apply if total amount due does not reach us by Nov 7, 1998.

The company you have chosen for interLATA calls (long distance calls outside your local toll calling area) is AT&T.

The new CustomChoice package includes your phone line PLUS your choice of 16 services for a flat rate of \$29.95 per month! CustomChoice makes you automatically eligible for special discounts on such services as Voice Messaging. Voice Messaging gets the messages your answering machine misses when you're on the phone or online. Call 1-888-305-2484 by 11-6 and receive a \$20 gift check.

▼ LOCAL CHARGES

MONTHLY SERVICE-OCT 7 THRU NOV 6 (INCLUDES 50 FOR EXTENDED LOCAL CALLING AREA) 378-1709	22.60
BASIC SERVICES <i>These services are necessary for you to use your telephone</i>	
RESIDENCE LINE	22.60
FEDERAL ACCESS CHARGE	3.50
FEATURE USAGE	1.55
TELECOMMUNICATIONS RELAY SERVICES	1.15
TAX- FED .83 STATE 1.11	1.94

U.S. WEST COMMUNICATIONS LOCAL CHARGES

\$29.74

FEATURE USAGE

NO.	DATE	TIME	DESCRIPTION	
1	OCT 5	429AM	CALL TRACE ACTIVATION	1.55
			CALL TRACE USAGE	1.55
			1 ACTIVATIONS AT \$1.55 PER ACTIVATION	1.55
TOTAL FEATURE USAGE				1.55



AT&T True Reach SavingsSM Summary

Total Calls Eligible for True Reach 11.79

1. Calls Eligible for Discount 11.79 Disc @ 10% 10.61

Total Charges for AT&T True Reach SavingsSM \$10.61

NOTE You have saved 1.18 with
AT&T True ReachSM Savings this month.

AT&T Itemized Long Distance Calls

**• Direct Dialed Calls
Domestic Calls**

Date	Time	Place And Number Called	Type	Rate	Min	Amount
2. SEP 21	7:06A	To DIR ASST NE 402 411-0000	Direct		1	1.10
3. SEP 21	11:28A	To DIR ASST NE 402 411-0000	Direct		1	1.10
4. SEP 21	12:35P	To DIR ASST NE 402 411-0000	Direct		1	1.10
5. SEP 21	12:57P	To DIR ASST NE 402 411-0000	Direct		1	1.10
6. SEP 21	2:11P	To DIR ASST NE 402 411-0000	Direct		1	1.10
7. SEP 21	11:13P	To DIR ASST NE 402 411-0000	Direct		1	1.10
8. SEP 22	12:52A	To DIR ASST NE 402 411-0000	Direct		1	1.10
9. SEP 22	3:39A	To DIR ASST NE 402 411-0000	Direct		1	1.10
10. SEP 22	9:09A	To DIR ASST NE 402 411-0000	Direct		1	1.10
Total Domestic Calls					9 Minutes	9.90

Total Direct Dialed Calls 9 Minutes 9.90

Total AT&T Itemized Long Distance Calls \$9.90

Taxes And Surcharges

Description	Amount
11. Federal Tax @ 3%	.67
12. State and Local Tax	.36

Total Taxes And Surcharges \$1.03

This portion of your bill is provided as a service to AT&T. There is no connection between U S WEST Communications and AT&T. You may choose another company for your long distance telephone calls while still receiving your local telephone service from U S WEST Communications.



BOYCE, MURPHY, McDOWELL & GREENFIELD, L.L.P.
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Norwest Center, Suite 600
101 North Phillips Avenue
Sioux Falls, South Dakota 57104
P.O. Box 5015
Sioux Falls, South Dakota 57117-5015

Telephone 605 336-2424
Facsimile 605 334-0618

RECEIVED

DEC 01 1998

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION
Of Counsel
J.W. Boyce (1884-1915)
J.R. McDowell
J.D. Murphy (1924-1964)

FAX Received NOV 30 1998

November 30, 1998

William Bullard, Executive Director
Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, SD 57501

VIA FACSIMILE - 773-3809

Re: In the Matter of the Complaint Filed by Sheryl L. Klein, Valentine, Nebraska, against U S WEST Communications, Inc. Regarding Poor Service and a Request to Have Lines Updated (TC 98-183)

Dear Bill:

Enclosed please find the Answer to Complaint and Certificate of Service in the above referenced file. The original and ten (10) copies are being mailed to you today.

Sincerely yours,

BOYCE, MURPHY, MCDOWELL
& GREENFIELD, L.L.P.

Thomas J. Welk

TJW/vjj

Enclosure

cc: Colleen Sevoid (w/enc.)
Jim Gallegos (w/enc.)
Sheryl L. Klein (w/enc.)

EXHIBIT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

RECEIVED

DEC 01 1998

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN THE MATTER OF THE COMPLAINT
FILED BY SHERYL L. KLEIN, VALENTINE,
NEBRASKA, AGAINST U S WEST
COMMUNICATIONS, INC. REGARDING
POOR SERVICE AND A REQUEST TO HAVE
LINES UPDATED

TC 98-183

ANSWER TO COMPLAINT AND
CERTIFICATE OF SERVICE

FAX Received NOV 30 1998

Pursuant to the November 9, 1998 Order of the Public Utilities Commission ("Commission") in this docket, received on November 12, 1998, and pursuant to ARSD 20:10:01.11.01 U S WEST Communications, Inc. ("U S WEST") provides the following Answer to the Complaint in this matter:

1. U S WEST admits, as alleged in the Complaint of Milton and Sheryl Klein of Valentine, Nebraska ("Customer") that the Customer has experienced certain outages of telephone and that at certain times such outages were reported to U S WEST. To its best knowledge and belief, U S WEST responded to all trouble reports.

2. This customer is served out of the Valentine, Nebraska office.

3. The U S WEST technicians in Nebraska have done extensive work on this system to provide the Klein's good voice grade service.

4. U S WEST has credited and will credit the Customer for any days the Customer was out of service.

5. In regard to any damages suffered by the Customer as alleged in the Complaint, such damages, if any, are limited by the applicable tariff which has been filed and approved by the Commission, which is attached hereto as Exhibit A. In addition, in the extent that such damages alleged by the Customer are not limited by the tariff, U S WEST remits the Customer to prove any damages sustained.

DATED this 30th day of November, 1998.



Thomas J. Welk
BOYCE, MURPHY, McDOWELL &
GREENFIELD, L.L.P.
101 North Phillips Avenue, Suite 600
P. O. Box 5015
Sioux Falls, SD 57117-5015
(605) 336-2424

Attorneys for U S WEST Communications, Inc.

CERTIFICATE OF SERVICE

I, Thomas J. Welk, do hereby certify that I am a member of the law firm of Boyce, Murphy, McDowell & Greenfield, L.L.P., and on the 30th day of November, 1998, a true and correct copy of U S WEST's Answer to Complaint was sent via US mail, postage prepaid, to the following address:

Milton and Sheryl Klein
HC 14, Box 37
Valentine, NE 69201



Thomas J. Welk

U S WEST COMMUNICATIONS, INC.
Exchange and Network
Services Tariff

State of South Dakota
Issued: 11-5-93

SECTION 2
Page 25
Release 1
Effective: 12-5-93

2. GENERAL REGULATIONS - CONDITIONS OF OFFERING

2.4 LIABILITY OF THE COMPANY

2.4.1 SERVICE LIABILITIES

A. Limitations

1. The Company's liability, if any, for its willful misconduct is not limited by this Tariff. With respect to any other claim or suit, by a customer or by any others, for damages associated with the installation, provision, preemption, termination, maintenance, repair, or restoration of service, the Company's liability, if any, shall not exceed an amount equal to the proportionate part of the monthly recurring charge for the service for the period during which the service was affected. This liability shall be in addition to any amounts that may otherwise be due the customer under this Tariff as an allowance for interruptions.
2. The services furnished by the Company, in addition to the limitations set forth preceding, also are subject to the following limitation: The Company shall not be liable for damage arising out of mistakes, omissions, interruptions, delays, errors or defects in transmission or other injury, including but not limited to injuries to persons or property from voltages or currents transmitted over the service of the Company caused by Customer-provided equipment (except where a contributing cause is the malfunctioning of a Company-provided connecting arrangement, in which event the liability of the Company shall not exceed an amount equal to a proportional amount of the Company billing for the period of service during which such mistake, omission, interruption, delay, error, defect in transmission or injury occurs).
3. The customer indemnifies and saves the Company harmless against claims for libel, slander, infringement of copyright arising from the use of material transmitted over its facilities, or infringement of patents arising from combining with or using in connection with facilities of the Company, apparatus or systems of the customer, and against all other claims arising out of any act or omission of the customer in connection with facilities provided by the Company.

4. Calling Privileges

Company tariffs govern and fix the outgoing service of customers and in no manner guarantees to them the same incoming service. All incoming service of a customer depends upon and is limited by the right of a calling customer to such service.