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SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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May 10, 2010

Patricia VanGerpen
SD Public Utilities Commission
500 E. Capitol
Pierre, SD 57501

Re: CE10-001

Dear Ms. VanGerpen:

On May 6, 2010 a company calling itself "Convenient Loans" of 119 S. Main Ave in Sioux Falls filed a formal complaint against Xcel Energy. Xcel Energy will, no doubt represent and defend its own legal rights. Commission Staff (Staff) will, at that time comment on the same. The complaint does not, however, comply with filing requirements and Staff requests the Commission handle the complaint according to ARSD 20:10:01:08.01. Staff recommends the complaint be administratively dismissed if a corrected complaint is not filed by close of business, May 28, 2010. Staff will place this item on the May 18, 2010 Commission meeting for further discussion and Commission decision.

Several months ago Staff was contacted by Melissa Gomey from Gentry Finance (Gentry) in Texas regarding the Xcel Energy billing dispute. Melissa stated the affected business (Convenient Loans) was a Gentry affiliate and all billing for that storefront went through her office. Additionally, the lease for that storefront was entered into by Gentry and all correspondence regarding this matter were with Gentry. She proceeded to explain the dispute with Xcel Energy.

As I understand the facts: the Convenient Loan storefront had its lights and its heat on separate meters. After the meter change was made (separating the two), the heating meter was not assigned to Convenient Loan or Gentry. Gentry used the service and heated its Convenient Loans facility. Gentry was not, however, billed for the services. As a result the service was used and not paid. Upon discovery of the error Xcel Energy could have billed Gentry according to current administrative rules. Xcel choose, however, to offer Gentry a generous and fair resolution. Convenient Loans refused the offer despite commission Staff's attempts to educate Melissa regarding current law and previous consumer settlements with similar facts.

Melissa from Gentry demanded formal complaint paperwork. Staff advised her Gentry must obtain counsel to proceed with a complaint. We further explained the PUC docket system and suggested Gentry's lawyer call us for additional explanation if necessary. According to her request, however, Staff sent the complaint form. Melissa called to confirm our receipt of the complaint on May 5, 2010, the day before our actual receipt of Gentry's formal complaint. As she explained the details of the complaint apparently already in the mail, Staff again informed her of the necessary form and process. She became angry as we explained it once

again. Melissa accused Staff of obstructing justice and of a bias, and believed we should “represent” the rights of her business.

The PUC did, ultimately receive a complaint on May 6, 2010. The complaint is not, however, properly filed. The complaint is improper in form for the following reasons:

- 1) The complainant, Gentry Finance, is a corporation out of Texas. Filing pleading in front of this Commission is the practice of law. Gentry Finance must obtain local counsel licensed in this state.
- 2) The complaint does not name a contact person from either Gentry or Convenient Loan.
- 3) The affirmation statement is signed, although we don’t know by whom thus making the affirmation invalid.

Upon receipt of the complaint I called the 1-800 number listed in an attempt to locate the signor. The listed phone number is for Gentry in Texas. The individual I spoke with was unaware of the complaint. I searched the SD Secretary of State’s website for any “Convenient Loan” corporate or fictitious name filing. None exist. I then called the phone number listed for “Convenient Loan” on the internet yellow pages. I was ultimately put in contact with the store manage, Rod Rothschadel. He was unaware of the complaint. He indicated, “corporate pays all the bills” and the store is “not locally owned.” He then became uncomfortable talking with me and needed to speak to “his boss” before he could share any additional information. He assured me he would call back. He did not call back.

Staff tries to provide an accessible consumer process. We attempt to keep the forms simple and lines of communication open. The work of the PUC Consumer Affairs office is, however, discredited when consumers take advantage of the process to merely halt collection or payment. It is important this Commission require the complaint be amended such that Gentry is accountable for its filing. If Gentry does not take necessary steps to properly complete and resubmit the complaint, it is proper for this Commission to administratively dismiss the same.

Sincerely,



Kara Semmler

cc Convenient Loans
119 S. Main Ave
Sioux Falls, SD 57104