

EL98-015

IN THE MATTER OF THE COMPLAINT
FILED BY DAVE OVERLAND, SIOUX
FALLS, SOUTH DAKOTA, AGAINST
SOUTHERN STATES POWER
CORPORATION REGARDING EXCESSIVE
REPAIR CHARGES

Public Utilities Commission of the State of South Dakota

MEMORANDA

Handwritten:
The following complaint and Closing Docket,
have been filed.

EL98-015

RECEIVED

STATE OF SOUTH DAKOTA PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA
300 E Capitol, Room 300, Capitol Building, Pierre SD 57501
COMPLAINT

JUN 01 1998

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Complainant(s) (Name, address, telephone number and fax number)		Respondent(s) (Name of Company complained against)	
Complainant Name	Ann Overhol	Contact Person	
Complainant Address	1111 1st St	Company	NSP
Complainant City, State, Zip	Sioux Falls, SD 57104	Address	
Complainant Work Phone		City, State, Zip	
Complainant Cell Phone		Work Phone	
Complainant Fax #		Cellular Phone	
Complainant Email		Fax #	

Complainant(s) represented by an attorney, please list the attorney's name, address, telephone number and fax number
Respondent(s) represented by an attorney, please list that.

Complaint: I am filing this as my complaint:
 I was contacted by a person between 2 of our backyards
 who said they were going to install a new line for us
 while I was away. They brought up the NSP line of the
 house but we had a problem with the lower level of the
 house. I called NSP and they said we needed to call
 them at 4/29/98 as it was paid for. When they arrived
 they said they would be double digging as
 we needed a mainline and a mainline. On 4/29/98 we
 called them back and they said we should have waited
 until we could have double dug as
 the charge should be reasonable.

Additional information - TV radio, 3 with
 no mainline or charge. If they
 are not satisfied with the cost of
 the work, they should be reasonable.

RESOLUTION REQUEST

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

I ask that the charges be reduced to a reasonable fee. I also feel the public should be informed that an outrageous fee will be levied on them if they acceptably pull the power line off their house.

NOTE: Please attach any additional pages, if necessary.

VERIFICATION

Complainant's signature must be witnessed by a notary public.

J. David Overland
Complainant's Signature

5-28-98
Date

State of South Dakota)
County of *Minnehaha*)
):SS

On this *28* day of *May*, *1998*

before me personally came and appeared *J. David Overland* known to me to be the individual described herein and who executed the foregoing instrument, and who duly acknowledged to me that he/she executed same for the purpose therein contained.

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

[Signature]
Signature of Notary Public

(SEAL)
My commission expires: *B.I. WYLIE*
My Commission Expires 9-10-2000

TRANSMISSION

South Dakota PUC

To: Mr. Healy

From: Leri Healy

Company: SDP

Company: South Dakota PUC

Reference: 645-335-4204

Fax Number: 605.773.3809

Date: 6/10/01

Time: 9:31:01

Pages including cover page: 3

Message:

The PUC received the following information from Dave Overland as a formal complaint. Commission proceedings are a 45-day period in which the parties may attempt an informal resolution.

Please review the information and inform us if any information resolution is reached. If we are not notified of a resolution by noon on Friday, June 12th, we will docket the issue and schedule it for Commission meeting for determination of probable cause.

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South Dakota Public Utilities Commission

State Capitol Building, Pierre SD 57501

Telephone: (605) 773-3801 Fax: (605) 773-3809

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING
BY GAVE OVERLAND, SIOUX FALLS,)	COMPLAINT AND CLOSING
SOUTH DAKOTA, AGAINST NORTHERN)	DOCKET
STATES POWER COMPANY REGARDING)	
EXCESSIVE REPAIR CHARGES)	EL98-015

On June 1, 1998, the Public Utilities Commission (Commission) received a complaint from Gave Overland, Sioux Falls, South Dakota, against Northern States Power Company (NSP) regarding excessive charges for repair service. In the complaint, Mr. Overland states that he "hung a branch between 2 trees and cracked an arm sized branch. While sawing the branch, the tip caught the NSP line and the conductor pulled away from the house but we still had electricity to the rest of the house. It was a Sunday and I called NSP and 2 men came out and reattached the branch to the top of the house but they didn't reattach the electrical wire to restore our upstairs electric. They said we needed to call an electrician to do that as it was frayed. At no time--not when we called NSP on the phone nor when they arrived during the attachment or leaving after approximately 20 minutes did anyone mention a charge. On 4/29/1998 we received a \$401.69 bill and had we should have been informed so at least we could have waited until Monday when it wouldn't be double time. As a monopoly the charge should be reasonable." Mr. Overland is requesting that the charges be reduced to a reasonable fee. "I also feel the public should be informed that an outrageous fee will be levied on them if they accidentally pull the power line off their house."

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 rate, rate practice or omission to go forward with the complaint.

On June 18, 1998, at its regularly scheduled meeting, the Commission considered the matter along with comments from Mr. Overland and NSP.

The Commission has jurisdiction over this matter pursuant to SDCL 49-34A and ARSD 20:10:01:08.01 and 20:10:01:09. After considering the comments of Mr. Overland and Jim Wilcox, a representative of NSP, the Commission finds that the charges were consistent with NSP's tariff and there is no basis for the complaint. The Commission accordingly finds no probable cause to pursue the complaint further. (Commissioner Nelson dissenting). It is therefore

ORDERED, that no probable cause having been found, the complaint is hereby dismissed and the docket closed.

Dated at Pierre, South Dakota, this 9th day of July, 1998.

<p>CERTIFICATE OF SERVICE</p> <p>The undersigned hereby certifies that the foregoing has been served upon all parties of record in the matter, at or near the stated address set by law or in fact with a properly addressed envelope, with charges prepaid thereon.</p> <p><i>[Signature]</i></p> <p><i>[Signature]</i></p> <p align="right">COMMISSIONER, REAL</p>

BY ORDER OF THE COMMISSION:

[Signature: James A. Burg]
 JAMES A. BURG, Chairman

PAM NELSON, Commissioner, dissenting

[Signature: Laska Schoenfelder]
 LASKA SCHOENFELDER, Commissioner