

NG97-008

T21

NG97-008

DOCKET NO.

In the Matter of

IN THE MATTER OF THE COMPLAINT
FILED BY GOLDIE BURNHAM, FORT
PIERRE, SD, AGAINST MONTANA-
DAKOTA UTILITIES REGARDING A
GAS LEAK

Public Utilities Commission of the State of South Dakota

DATE

MEMORANDA

5/29/97 Filed and Rejected,
7/2/97 Order Pending no Probable Cause, Dismissing Complaint and Closing
7/2/97 Rejected Closed

3141.46.1

NEXT

DOCUMENT (S)

DISREGARD

BACKGROUND

NG97-008

PLEASE TYPE OR PRINT CLEARLY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

RECEIVED

MAY 29 1997

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

COMPLAINT

| Complainant(s): (The party filing the complaint) | | Respondent(s): (The person or Company complained against) | |
|---|--------------------------|--|-----------|
| Name | GULDIE BURNHAM | Contact Person | MDU |
| Address | 512 N. DEADWOOD, POB 488 | Company | |
| City, State, Zip | FT. PIERRE, SD 57532 | Address | |
| Work Phone | (605) 773-6723 | City, State, Zip | Pierre SD |
| Home Phone | (605) 223-3212 | Work Phone | |
| Cellular Phone | | Cellular Phone | |
| Fax | | Fax | |

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

The facts giving rise to my complaint:

THERE WAS A GAS LEAK AT THE HOME WHICH WE WERE RENTING. IT WAS ADMITTED
BY MDU THAT THE PIPES WERE NOT CORRECTLY FIT TOGETHER AND THEN MY HUSBAND
WAS TOLD NOT TO REPEAT THIS. THE SMELL OF GAS HAD BEEN REPORTED ON SEPARATE OCCASIONS BY
MORE THAN ONE RESIDENT LIVING IN OUR NEIGHBORHOOD, BUT ALL REPORTING WERE TOLD IT WAS
BECAUSE TOO MUCH ODOR HAD BEEN ADDED TO THE GAS. MDU WAS NEGLIGENT TO NOT ONLY OUR
SAFETY AND WELL-BEING, BUT ALSO TO THE ENTIRE NEIGHBORHOOD. I PAID WHAT I FELT WAS MY
PORTION OF THE \$1049.09 BILL BUT HAVE NOT PAID THE REST BECAUSE I FEEL THAT AS A RENTER
I AM NOT RESPONSIBLE IF SOMEONE PUT THE PIPE TOGETHER INCORRECTLY PRIOR TO MY RENTING THE
HOME.
 THE ISSUES ARE: (1) THE BILL AND (2) THE SAFETY AND WELL-BEING OF THE CLIENTS OF MDU

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

RESOLUTION REQUEST

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

THERE ARE TWO THINGS THAT I THINK I WOULD LIKE FOR THE PUC TO DO:

1. TO CAREFULLY INVESTIGATE THIS MATTER AS WELL AS MDU'S DEMEANOR CONCERNING THIS INCIDENT
2. TO GAIN SOME RELIEF FROM THE ASTRONOMICAL BILL THAT I HAVE BEEN CHARGED

NOTE: Please attach any additional pages, if necessary.

VERIFICATION

Signature must be witnessed by a notary public.

Goddie Burnham

Complainant's Signature

05-21-97

Date

State of South Dakota

County of Hughes

§
:SS

On this 21st day of May 1997, before me personally came and appeared GODDIE BURNHAM 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.



Terry Norum
Signature of Notary Public

My commission expires March 2, 2001

3
1
4
1
4
6
4

List of Events and Timelines

Week of Jan 26, 1997

I thought I could smell gas in the back bedroom of our rented house, but no one else could smell it.

Feb. 2, 1997

Claus Nichol, our neighbor, called our home about 11:30pm and stated that there was a strong gas smell in his house and he had the propane gasman check it and this person said it was natural gas coming from our pipe. So Claus then called MDU gasman and had him check it too around 11pm and it showed gas in Claus's basement and outside his house and very heavy around our house. Later, when I asked Claus why the MDU gasman did not turn it off or come to our house and let us know, he stated, "Because he didn't want to wake you up."

With the 11:30pm call Claus asked Bob, my husband, to call MDU and report the gas smell. When my husband did this, the MDU man receiving the call said he had received several reports of a strong gas smell coming from "up and down Sale Barn Road", but that it was just that the company had added too much smell to the gas.

Feb. 3, 1997

When I left my work meeting at the Ramkota around 8:30-9:00am and arrived at work there was a message that I should call MDU right away, which I did. The person answering the phone said that there was a "very serious" gas leak in our home.

9:30-10:00am

The Pietz gas repairman arrived at our rented home to fix the broken gaspipe.

March 5, 1997

Received a bill from MDU for \$1049.09. I paid \$100 in check the amount that I figured was the most my bill could have possibly been for this period and enclosed a note that I had been treated rudely by the representative in the MDU Office and that I thought the bill was astronomical and that they had not acted responsibly and safely in this matter. My husband stated that the MDU Office mgr. in Pierre told him that perhaps the remainder of the bill would not need to be paid or perhaps we could work something out. A few days later our landlord, Jimmy Carter, advised Bob to turn the bill in to his own renters insurance and perhaps it would be paid. We did this, and received word that it would not around the end of April or first of March that it would not. Jimmy Carter turned it in to his homeowners insurance.

0141.46.5
3-21-97

11:00am I telephone Claus Nichol to get the facts pertaining to the incident from him and it was at this time that I discovered just how negligent MDU had been in handling this entire incident (see above notes regarding just when Claus stated he called and when they actually shut it off and fixed it.) Claus stated that his son who lives in the trailer court south of Sale Barn Road had also called MDU regarding the strong gas odor on the night of Feb. 2, 1997 and was told the same thing: that they had added to much odor to the gas.

6:00pm

Larry Thompson, the regional mgr. of MDU from Rapid City returned my call, when I told him what I had discovered in interviewing my neighbors and how unsafe I thought the MDU practices were, he asked for the names of my neighbors that I had been visiting with.

When I asked him why there hadn't been a quicker response to the situation if it was such a serious leak he replied: "We couldn't answer all the calls at once." When I asked why not, he replied that they didn't have enough staff to do this. I then told him that this was a management problem that had nothing to do with the health and well-being of the public.

When I also pointed out the time lines of the events that I knew were a fact and how their were discrepancies with his time lines he stated, "Well, was your neighbor out there at 3am with the repairman?"

I told him that both Claus Nichol and my husband disputed this fact and both confirmed that the gas valve had not been dug out by the time that it was daylight.

6:20pm

Larry Thompson called back and talked with my husband. He told my husband that the pipe from the house had not been connected properly but that he didn't really want this repeated and would deny that he ever said it.

April 30, 1997

Received certified mail stating that if we had not heard from our insurance within a 10 day period, the gas bill would be turned over to a collection agency.

May 14, 1997

We received word from Jimmy Carter's homeowners insurance policy that they also would not pay this gas bill.

May 16, 1997

I visited with Bob Knadle and Martin Bettman from the PUC and was advised that if I so chose, I could fill out and file a complaint regarding this entire incident with the PUC.



MONTANA-DAKOTA

UTILITIES CO.

A Division of MDT Resources Group, Inc.

123 Kansas City Street
P.O. Box 1060
Rapid City, SD 57709-1060


April 28, 1997

Robert Burnham
P.O. Box 488
Ft. Pierre, S.D. 57532

RE: 1414 Sale Barn Road 554 17 110 4330 6

Thankyou for your payment of \$100.00 on 3-21-97. The balance owing is \$952.74. Our understanding was you had planned to submit the bill to your insurance carrier. If payment is pending from your insurance company please let us know. If we do not receive payment, or payment arrangements within 10 days of the receipt of this letter collection action will be taken.

Sincerely,


Rhonda Schock
Office Supervisor

cc:Sandy Smith-Pierre
Larry Thompson-Rapid City



avoid verbal orders

OFFICE MEMO

DATE 5-6 19 77

TO

Robert Buchanan stopped at
office - 334 S. Pierce -
Checking with insurance
regarding payment.

FROM

Sandy Smith



AMERICAN FAMILY INSURANCE GROUP

1000 W. 10TH STREET • P.O. BOX 1 • SPOKANE, IDAHO 83402-0001 • PHONE: (208) 325-5000

May 13, 1997

ROBERT BURNHAM
520 NORTH DEADWOOD
PO BOX 488
FT. PIERRE SD 57532

RE: Our Insured: Calvin Carter, Jr.
Our Claim No: 261-169068-0423
Date of Loss: February 16, 1997

Dear Mr. Burnham:

We have completed our investigation of the damage to the gas line and the consequential loss of natural gas for which you have been billed by Montana Dakota Utilities.

We have reviewed the liability policy Mr. Carter has with American Family, and can find no coverage for this loss. After interviewing Mr. Carter, we do not find any negligence on his part that caused this misfortune. According to Mr. Carter, the area of the pipe which cracked was installed by Montana-Dakota Utilities about a year ago.

We regret we are unable to assist you in this matter.

Respectfully,

A handwritten signature in cursive script that reads "Sharon Many Horser".

SHARON MANY HORSES
CASUALTY CLAIM ANALYST
Claims Department
smh

cc: Calvin Carter, Jr.
John Palmer, Agent 197/498

| | | | | | |
|--|------------------------------|--------------------|---|--|--|
| 5564 17 112 4330 b TUBURNHAM ROBERT RD 1444 SAN JUAN RD T PIERCE MD 207532 | | | | BILLING DATE 02-25-97 CURRENT BILL 03-19-97 DUE DATE | |
| PREL 02/21 30 371.9 PRESENT 200.9E DIFFERENCE 171.0 TF | BILLING FACTOR MULT 1.997 | USAGE KWH 170.5 | AMOUNT 989.71 59.38 <u>1049.09</u> | | |
| APPLICABLE STATE AND LOCAL TAXES | | | | | |
| TOTAL UTILITY BILLING | | | | | |
| CUSTOMER CHARGE = 2.00 170.5 BK AT 91.761000 = 300.25 170.5 BK AT 94.032000 = 387.45 | | | | | |
| 989.71 | | | | | |
| THANK YOU FOR BEING AN MDU CUSTOMER | | | | | |
| THIS IS THE FINAL BILLING FOR YOUR FORMER ADDRESS SHOWN ABOVE. THANK YOU FOR YOUR PROMPT ATTENTION. | | | | | |

| | | | | | | |
|---|--|-----------|-----|--------|--|--|
| GAS | | 44.032/DK | 5.7 | 432.99 | AVERAGE MONTHLY USE THIS BILLING PERIOD 6 WARMER PAY THE SAME PERIOD LAST YEAR AND 8 WARMER S 1049.09 (THIS TIME LAST BILLING PERIOD) | |
| DIRECT ALL INQUIRIES OR COMMENTS TO MDU, PO BOX 7250 TELEPHONE (605) 224-0942 IF NOT SATISFIED, CONTACT THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION, PIERRE, SOUTH DAKOTA 57501 OR CALL 1-605-773-3201. | | | | | PAY BY DATE PAY TO ORDER OF PAYMENT NO. PAYMENT AMT. PAYMENT DATE PAYMENT METHOD PAYMENT REMARKS NEXT BILLING DATE INSTALLMENT DUE | |

0141146118

 **MONTANA-DAKOTA**
UTILITIES CO.

A Division of BOK Financial Group, Inc.

201 Kansas City Street
P.O. Box 1060
Rapid City, SD 57724-1060

March 19, 1997

Mr. Robert Burnham
1414 Sale Barn Road
Ft. Pierre, SD 57532

Dear Mr. Burnham:

I am writing to you in an attempt to answer questions and explain the situation regarding your February, 1997 gas bill. I can readily understand your shock and dismay at the size of this bill. Certainly, no one would anticipate such a large bill on a residential account.

As I think you know, this large gas volume was generated by a cracked gas line downstream of the gas meter. Consequently, all of the gas that escaped through this crack was measured by the meter. The broken pipe is not part of our natural gas distribution system. It is, of course, owned by the property owner. I hope you can understand our position of not accepting responsibility for the failure of someone else's equipment. There is no question the heavy snow fall this winter contributed to this failure.

We try to warn customers of this potential problem in several ways. We run radio announcements and place ads in the local news papers (copy enclosed). These warnings may be missed or ignored and it is impossible for us to contact everyone individually who may have a buried meter. If the leak occurs on our lines, we stand the cost of the lost gas. Likewise if the leak occurs on customer lines, the customer is responsible for the lost gas. I guess I see this similar to a customer at a gasoline station who is filling their car with gasoline. If the gasoline hose accidentally falls from the car and several gallons of gasoline are spilled on the ground, the customer pays the total amount shown on the pump.

I also note there was a several hour delay from the time you reported the odor until our serviceman arrived. (see attached copy of our Service Order Invoice #517492) Our goal is to respond much quicker than this but, unfortunately, our serviceman was responding to a series of gas odor reports that evening. Natural gas itself is odorless. For safety purposes, an odorant is added so leaks can be more easily detected. It seems as though the pipeline company bringing gas to the Pierre/Ft. Pierre area added extra odorant to the gas a few days before this. This "extra" odorant created a rash of gas odor calls for our servicemen. It so happened this rash of calls came about the same time you detected your leak--perhaps was even the reason you noticed the smell. Consequently, we were not able to respond to your call as quickly as we would have liked.

0141456
11

Did this delay create a substantial difference in the amount of gas which escaped from your leak? Obviously, had our serviceman been there an hour or two earlier, it would have been shut off sooner---but the amount of gas that escaped in that time frame would be rather small. We believe this pipe had been cracked and leaking for some time. It could have started with a small crack and expanded as the snow load increased to the point where the volume of gas leaking became noticeable. Certainly, I think the high odor content of the gas made the leak much more noticeable that day.

Our serviceman has told me the pipe was cracked open about a quarter of an inch at the top of the pipe and extended about half-way around the $\frac{1}{2}$ " pipe. Gas pressure downstream of the meter is 5 ounces. A mathematical calculation indicates it would take at least eleven to twelve days for this amount of gas to have escaped through this crack. Consequently, it is not possible for this amount of gas to have escaped only between the time you reported the odor and the time our serviceman arrived, discovered the source of the leak and shut the gas off. Our normal response time to gas odor calls is 30 minutes. As I explained, we had some very unusual circumstances that evening and we responded as quickly as possible. Had we been able to respond in our normal fashion, about four hours of gas loss, or about \$3.50 worth of gas, may have been avoided. Although I recognize this is a very insignificant amount of the overall bill, I am instructing our accounting department to issue a \$3.50 credit.

I can certainly sympathize with your situation as I understand you were renting this home and the pipe that broke was not your property either. From our perspective, however, the gas account was in your name and you are the responsible party for gas delivered at this account. I would suggest you visit with your landlord about this situation as he may have some sort of insurance protection for this event. We have estimated that about \$70 worth of gas was consumed and the balance was lost through the cracked pipe.

I am sure our Pierre office staff has informed you we can set up a no-interest payment arrangement for you. We would like to spread this out for no more than six months but if this is unacceptable, please suggest something which will work better for you. Again, I empathize with your situation and feel badly about this situation but feel the bill is appropriate. If I can answer any other questions or provide more information, please write or call me at 605-355-4004.

Sincerely,



LARRY THOMPSON
Region Manager

cc: Pierre Office



To help insure uninterrupted gas service to your home:

Try to keep gas meters free of heavy accumulations of snow or ice.

Do not strike meters with snow blowers, blades or shovels.

Heavy snows, accumulated ice on the meter or falling from eaves, and other weather related problems can cause meters to separate from the piping, interrupting service. Also, excessive snow covering the meter may cause the safety equipment to shut off service to your home.

IF YOUR NATURAL GAS SERVICE IS INTERRUPTED, FOR ANY REASON, PLEASE CALL US. THANK YOU FOR YOUR TIMELY COOPERATION.



MONTANA-DAKOTA
UTILITIES CO.

DATE 2-7-97 TIME RECEIVED 12:00 PM ORDER PLACED BY MRS. KRAIS MONTANA DAKOTA UTILITIES CO. RECEIVED BY DISPATCH INVOICE NUMBER 517492

TOWN 554 SERVICE ADDRESS (R. D. #) BILLING ACCOUNT NO. (if different) ACCT. CHG. 87981

SERVICE ACCOUNT NO. 17-110-4330-6 EXPLAIN: ORDER AT meter

Robert Burham

1414 SLE Barn RD

FT. Pierce S.D.

PHONE NUMBER HOME OFFICE

QTY DESCRIPTION AMOUNT

Material used 36.52

912 2-3-97 8:15 AM

MINIMUM CHARGE 1/2

ADDITIONAL TIME CHG. 2-7-97

TOTAL BILLING BEFORE TAX 4.00

COUNTY SALES TAX

CITY SALES TAX

STATE SALES TAX

IF NOT PAID AT THIS TIME OF SERVICE THIS ACCOUNT WILL APPEAR ON YOUR NEXT UTILITY BILL

CUSTOMER SIGNATURE

SERVICE REQUESTED: ☐ ELECTRIC ☒ GAS DISPATCH CODE: 44

FROM TIME 15 RESP TIME 210

DATE 2-7-97 START TIME 3:30 PM STOP TIME 3:45 PM SERVICEMAN 721

MAKE MODEL INSTALLED DATE

SERVICE PERFORMED: GAA TESTED GWW

BANK, COT INDICATED 1200

DUP TADY SLOW BANK A

FOUND GAS LIME TO HOUSE

Break. SHOT OFF GAS.

OWNER TO PUT IT REPAIRED

AND CALL US FOR A REPAIR.

0141.46.14

June 5, 1997

Goldie Burnham
P.O. Box 488,
Ft. Pierre, SD
57532

Public Utilities Commission (PUC)
500 E. Capitol Ave.,
Pierre, SD 57501

Dear PUC:

Recently, I filed a complaint with the PUC regarding Montana Dakota Utilities. On June 3, 1997; Tammy Aberle with MDU called my home and stated that MDU accepted full responsibility for the gas leak at my home based on the fact that a gas pipe had been installed incorrectly at a 90 degree angle by MDU. She offered to settle my complaint wherein MDU would be responsible for the entire bill which had been submitted to me. I assured her that I felt responsible for a portion of the gas which I had used to heat our home, and felt that I still needed to be responsible for that; and that is why I initially had sent a \$100 check. Tammy stated that she would average the two months bills prior to the gas leak to determine a rate for the January 1997 bill and if it was less than \$100, I would be given a refund. She called me back later on in the day, and stated that it had averaged out to around \$80 and so, would be sending me a \$20 refund check. She was very professional and very courteous concerning this entire matter.

I am thankful that the monetary portion of this matter has been taken care of. However, I still have grave concerns about the possibility of this very thing happening in the future. As a nurse, the health and welfare of all public members is always a concern to me. It appears to me that each and every call submitted to MDU should always be treated with a great deal of respect and seriousness. A central dispatcher in North Dakota could not possibly know or understand what may or may not be happening in Ft. Pierre, SD. Consequently, to inform a caller that there had been too much "odor" added to the gas and that any concerns should be allayed; is at the very least a little presumptuous. I think that the PUC should insist that each and every call should be honored with an investigation and treated as though it has the potential to be very serious, with the possibility of threat or harm to human life.

Thank you in advance for you time and attention given to this matter.

Sincerely,

Goldie Burnham
Goldie Burnham

xc to Tammy Aberle. MDU

4:30 pm 6/5/97
I telephoned Tommy Abshire for
her address and she states
"they did investigate each
and every call."
JG



UTILITIES CO.

A Division of MDU Resources Group, Inc.

400 North Fourth Street
Pierre, SD 57501
(701) 222-7600

RECEIVED

JUN 23 1997

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

June 23, 1997

Ms. Leni Healy
Consumer Affairs Director
South Dakota Public Utilities
Commission
State Capitol
Pierre, SD 57501-5070

| | | | | | |
|-------------------|-----------------|------|---------|--------------|---|
| Post-It® Fax Note | 7671 | Date | 6-23 | Page | 2 |
| To | Martin Bettmann | | From | Tamie Aberle | |
| Co./Dept. | SD PUC | | Co. | MDU | |
| Phone # | | | Phone # | | |
| Fax # | | | Fax # | | |

RE: Goldie Burnham Complaint

Dear Ms. Healy:

Attached per your request is Montana-Dakota's written response sent to Mrs. Goldie Burnham regarding the charges for gas lost due to the gas leak occurring in February 1997. The \$20 refund referenced in the letter has been transmitted to Mrs. Burnham.

As I have discussed with Mrs. Burnham and as noted on the bottom of her letter to the Commission dated June 5, 1997, Montana-Dakota did investigate each gas odor call received on the night in question (February 2, 1997). The dispatchers received 12 gas odor calls between the hours of 7:56 p.m. and 11:00 p.m. that night. South Dakota Intrastate Pipeline Company did add extra odorant to the gas creating the rash of gas odor calls that evening. Although the dispatcher and serviceman suspected the odorant was the reason for the number of gas odor calls each call was inspected in order to determine this conclusively thus resulting in delayed response times for some locations. Montana-Dakota's serviceman arrived at the Burnham residence at approximately 3:00 a.m. on February 3. At that time the serviceman dug through the snow and found the riser shut-off valve which he shut off at that time. He attempted to notify the Burnhams by knocking at their door but they did not respond. The serviceman left and returned to the Burnhams at 8:00 a.m. that same morning and continued to dig out the meter. Meanwhile, the Pierre office attempted to reach the Burnhams by phone to notify them their gas had been shut off at 3:00 a.m. that morning and also contacted the property landlord who did come over to the house to investigate and make repairs.

Please contact me if you have additional questions regarding this matter.

Sincerely,

Tamie A. Aberle

Tamie A. Aberle
Rate Administration Supervisor

cc: M. Bettmann



MONTANA-DAKOTA

UTILITIES CO.

A Division of MDC Resources Group, Inc.

430 North Fourth Street
Bismarck, ND 58501
(701) 222-7500

June 5, 1997

Mrs. Goldie Burnham
512 N Deadwood POB 488
Ft. Pierre, SD 57532

Dear Mrs. Burnham:

I am writing to confirm our phone conversation on Tuesday, June 3 regarding the gas leak that occurred in February 1997 at the property you were renting at 1414 Sales Barn Road in Ft. Pierre, South Dakota.

As we discussed, Montana-Dakota will be removing the charge for the gas loss from your account and as you agreed, charge you for gas used during the month based on the average of the natural gas bills for the previous 2 months. This average results in a bill of \$80.72 and because you previously paid \$100 toward this bill, Montana-Dakota will issue you a refund check in the amount of \$19.28. The refund check will be sent to you from the Rapid City office.

Again, we apologize for any inconvenience caused you by this situation. Please call me if you have any further questions or concerns.

Sincerely,

Tamie A. Aberle
Rate Administration Supervisor

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

| | |
|---|---|
| IN THE MATTER OF THE COMPLAINT FILED) BY GOLDIE BURNHAM, FORT PIERRE, SD,) AGAINST MONTANA-DAKOTA UTILITIES) REGARDING A GAS LEAK) | ORDER FINDING NO) PROBABLE CAUSE,) DISMISSING COMPLAINT) AND CLOSING DOCKET) NG97-008 |
|---|---|

On May 29, 1997, the Public Utilities Commission (Commission) received a Complaint filed by Goldie Burnham (Complainant) of Fort Pierre, SD, against Montana-Dakota Utilities (MDU) regarding a gas leak. The two issues presented in the complaint were the bill and the safety and well-being of the clients of MDU. Complainant states that after the leak at her rental home was discovered, it was admitted by MDU that the pipes were incorrectly fit together. Due to the leak, Complainant received an unusually large bill totaling \$1,049.09. On June 9, 1997, the monetary portion of the matter was resolved between the parties. However, the safety issue was still a concern to the Complainant. Complainant states that the smell of gas had been reported on separate occasions by more than one resident living in Complainant's neighborhood, but all were told that it was because too much odor had been added to the gas.

On June 24, 1997, at its regularly scheduled meeting, the Commission reviewed the Complaint as well as the comments of Complainant and MDU. Staff recommended that the Commission find no probable cause and close the docket. However, Staff also recommended that the Commission open a new docket for the purposes of investigating MDU's safety procedures.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-34A.

The Commission voted to open a new docket to investigate MDU's safety procedures. The Commission then voted to find no probable cause of an unlawful or unreasonable act, rate, practice or omission on the part of Montana-Dakota Utilities and to dismiss the Complaint and close the docket. It is therefore

ORDERED that the Complaint is dismissed and docket NG97-008 is hereby closed.

Dated at Pierre, South Dakota, this 2nd day of July, 1997.

| |
|---|
| 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>Hilaine Kaebe</u> |
| Date <u>7/3/97</u> |
| (OFFICIAL SEAL) |

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner