



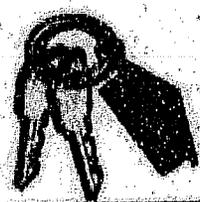
**MURRAY CONSTRUCTION L.L.C.**

333 NORTH PHILLIPS AVENUE  
SIOUX FALLS, SOUTH DAKOTA 57104

Telephone: 338-8894

Fax: 336-1680

From the Desk of Bonnie Lowe



March 20, 2000

Public Utilities Commission  
Pierre, S.D. 57501

VIA FAX

Gentlemen,

We would like to request a variance for master metering of gas service on the following properties:

- 4400 S. Louise Avenue, 8 units
- 4404 S. Louise Avenue, 8 units
- 4500 S. Louise Avenue, 8 units
- 4504 S. Louise Avenue, 8 units
- 4508 S. Louise Avenue, 8 units
- 4501 Tennis Ln, 8 units
- 4505 Tennis Ln, 8 units
- 4509 Tennis Ln, 8 units
- 4511 Tennis Ln, 8 units
- 4515 Tennis Ln, 8 units

Currently we pay the gas service to all 80 units. This request is based on 20:10:26:04 Section 6. As these buildings age, the water heaters are being replaced with larger units to serve the entire building. Most are no longer individual to the units themselves. The cost effectiveness to this request is that we are currently paying annually, approximately \$6,614.40 in meter charges, based on a charge of \$6.89 per unit for meters. This would be reduced to approximately \$826.80 annually.

In the past when we applied for a variance on this complex we were denied for the reason that if we paid the gas bills then the resident would not conserve energy and the billings would be higher. Per MidAmerican, after checking the budgets on the 8 units of 4501 S. Tennis Lane, it was found that each unit is consistent with its matching unit.

The exception to this being unit #5 which currently has the water heaters on that particular meter.

Unit:	Budget
1	\$29.00
2	\$24.00
3	\$23.00
4	\$24.00
5	\$52.00
6	\$28.00
7	\$15.00
8	\$16.00

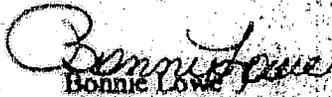
Unit #7 is currently responsible for it's own gas usage. As you will note it is comparable to the matching unit #8 which is paid for by us. It is my opinion that whether the resident conserves energy or not is not dependent upon who is paying the charges.

We are requesting a hearing on this matter.

If I can provide any further information to you please contact me at the above address or telephone.

Thank you for your consideration in this matter.

Sincerely,



Bonnie Lowe  
Property Manager  
Murray Const.

c.c. MidAmerican Energy  
Box 8020  
Davenport, Ia 52808-8020

**South Dakota Public Utilities Commission**  
**WEEKLY FILINGS**  
For the Period of March 23, 2000 through March 29, 2000

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

**CONSUMER COMPLAINTS**

**CT00-051** In the Matter of the Complaint filed by Bonnie Struss, Watertown, South Dakota, against HOLD Billing Services and Business Options, Inc. Regarding Unauthorized Switching of Services.

The complainant indicates that her service was switched to another carrier without her knowledge or permission in January 2000. She is requesting compensation because she is tired of being switched without permission.

Staff Analyst: Charlene Lund  
Staff Attorney: Camron Hoseck  
Date Docketed: 03/23/00  
Intervention Deadline: NA

**CT00-052** In the Matter of the Complaint filed by Phil Edwards, Spearfish, South Dakota, against U S WEST Communications, Inc. and AT&T Communications of the Midwest, Inc. Regarding Billing Issues.

The Complainant alleges that from May 1999 to January 2000, he was incorrectly billed by AT&T because U S West improperly routed his long distance calls. The Complainant's carrier of choice is Clear Choice. He is seeking restitution of charges in excess of Clear Choice's 5 cent/min. since May 1999.

Staff Analyst: Leni Healy  
Staff Attorney: Camron Hoseck  
Date Docketed: 03/23/00  
Intervention Deadline: NA

**CT00-053** In the Matter of the Complaint filed by James and Darleen Frye, Vermillion, South Dakota, against OLS, Inc. Regarding Switching Telecommunications Services Through Deceptive Tactics.

The Complainants claim as a result of a deceptive telemarketing call, their long distance service was switched to OLS. They are seeking a full credit of the telecommunications charges plus expenses relating to the resolution of the complaint.

Staff Analyst: Leni Healy  
Staff Attorney: Karen Cremer

Date Docketed: 03/23/00  
Intervention Deadline: NA

**CT00-054** In the Matter of the Complaint filed by Susan R. Sorbel, Rapid City, South Dakota, against Business Options, Inc. Regarding Unauthorized Switching of Services.

The complainant alleges that her services were switched without authorization. Ms. Sorbel believes that Business Options, Inc. is in direct violation of SDCL #49-31-92 and should be fined according to SDCL #49-31-93 for intentional theft of long distance service.

Staff Analyst: Charlene Lund  
Staff Attorney: Camron Hoseck  
Date Docketed: 03/24/00  
Intervention Date: N/A

**CT00-055** In the Matter of the Complaint filed by Black Hills FiberCom, L.L.C., Rapid City, South Dakota, against U S WEST Communications, Inc. Regarding Competitive Pricing and Promotion Practices.

On March 14, 2000, Black Hills FiberCom, L.L.C. (FiberCom) filed a complaint with this Commission. The complaint was forwarded to U S WEST Communications, Inc. (U S WEST) on March 15, 2000, to attempt to resolve the complaint informally. The informal attempt to resolve the complaint was not successful within the requested time frame; the complaint was formally docketed on March 29, 2000. FiberCom is of the information and belief that as early as the fall of 1999, U S WEST conducted, and continues to conduct, an unlawful pricing and promotion campaign within the local exchange area serviced concurrently by U S WEST and FiberCom.

Staff Analyst: Harlan Best  
Staff Attorney: Camron Hoseck  
Date Docketed: 03/29/00  
Intervention Deadline: NA

**CT00-056** In the Matter of the Complaint filed by Jeanette Braunstein, Aberdeen, South Dakota, against OLS, Inc. Regarding Switching Telecommunications Services Through Deceptive Practices.

On March 29, 2000, the Complainant filed a formal complaint against OLS indicating the company promised to send information for the Complainant's review before switching service. The Complainant's telecommunications service was switched even though no printed information was received and the assessed rates were higher than discussed during the telemarketing call. The Complainant is seeking reimbursement and compensation for her time.

Staff Analyst: Leni Healy  
Staff Attorney: Karen Cremer  
Date Docketed: 03/29/00  
Intervention Date: NA

## NATURAL GAS

**NG00-002 In the Matter of the Application of Murray Construction L.L.C., Sioux Falls, South Dakota, for a Master Metering Variance Request for Various Apartment Buildings in Sioux Falls, South Dakota.**

Murray Construction, L.L.C. has requested a variance for master metering of gas service on a number of their rental properties in Sioux Falls. The request was based upon ARSD 20:10:26:04 and Murray is requesting a hearing on this matter.

Staff Analyst: Heather Forney  
Staff Attorney: Karen Cremer  
Date Docketed: 03/24/00  
Intervention Date: 04/14/00

**NG00-003 In the Matter of the Filing by MidAmerican Energy Company for Approval of Tariff Revisions.**

Application by MidAmerican Energy to revise its South Dakota natural gas tariffs in order to increase flexibility and meet competition. MidAmerican Energy is proposing to increase flexibility by allowing all of its sales and transportation volumetric rates and service charges to flex downward in order to meet competition. Currently medium and small volume sales service and most service charges are not flexible.

Staff Analyst: Dave Jacobson  
Staff Attorney: Karen Cremer  
Date Filed: 03/27/00  
Intervention Deadline: 04/14/00

## TELECOMMUNICATIONS

**TC98-203 In the Matter of Filing by U S WEST Communications, Inc., for Approval of Negotiated/Arbitrated Terms of Agreement for Interconnection, Resale, and Unbundled Elements Between Advanced Communications Group, Inc., and U S WEST Communications, Inc.**

A first amendment to an interconnection agreement between U S WEST Communications, Inc. and Advanced Communications Group, Inc. has been filed with the Commission for approval. The original agreement which was assigned to FirsTel was approved by the Commission on September 14, 1999. The amendment purports to address collocation.

Staff Attorney: Camron Hoseck  
Date Filed: 03/21/00  
Intervention deadline: 04/06/00

**TC00-059 In the Matter of the Filing by U S WEST Communications, Inc. for Approval of Revisions to its Exchange and Network Services Tariff.**

U S WEST Communications, Inc. has filed to change the text in the Exchange and Network Services Tariff to reflect that customers have additional options besides a check to pay their bill. Customers currently have multiple options for paying their bills, including a transfer of funds from their bank, credit card or debit charge. This filing also clarifies the application of the returned payment charge to accommodate the additional customer payment options available. U S WEST has requested an effective date of April 25, 2000, for the filed changes.

Staff Analyst: Harlan Best  
Staff Attorney: Cannon Heseck  
Date Docketed: 03/27/00  
Intervention Deadline: 04/14/00

**TC00-050 In the Matter of the Filing for Approval of a Resale Agreement between U S WEST Communications, Inc. and essential.com.**

An interconnection agreement between essential.com and U S WEST Communications, Inc. has been filed with the Commission for approval pursuant to 47 U.S.C. Section 252(e). The resale agreement will extend certain arrangements to one another within the geographical areas where U S WEST is the incumbent local exchange carrier for the purposes of providing the resale of local telecommunications services.

Staff Attorney: Cannon Heseck  
Date Docketed: 03/28/00  
Intervention Deadline: 04/14/00

**TC00-051 In the Matter of the Filing for Approval of an Agreement for Local Wireline Network Interconnection and Service Resale between U S WEST Communications, Inc. and Healthcare Liability Management Corporation.**

An interconnection agreement between Healthcare Liability Management Corporation and U S WEST Communications, Inc. has been filed with the Commission for approval pursuant to 47 U.S.C. Section 252(a). The agreement purports to adopt, in its entirety, the previously negotiated and approved AT&T Communications of the Midwest, Inc. interconnection agreement which was approved by the Commission on March 4, 1999, in Docket TC96-184.

Staff Attorney: Cannon Heseck  
Date Docketed: 03/29/00  
Intervention Deadline: 04/14/00

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

<b>IN THE MATTER OF THE APPLICATION OF )</b>	<b>ORDER FINDING AN</b>
<b>MURRAY CONSTRUCTION L.L.C., SIOUX )</b>	<b>EXCEPTION AND CLOSING</b>
<b>FALLS, SOUTH DAKOTA, FOR A MASTER )</b>	<b>DOCKET</b>
<b>METERING VARIANCE REQUEST FOR )</b>	
<b>VARIOUS APARTMENT BUILDINGS IN SIOUX )</b>	<b>NG00-002</b>
<b>FALLS, SOUTH DAKOTA )</b>	

On March 24, 2000, the Public Utilities Commission (Commission) received a letter of application from Bonnie Lowe, property manager for Murray Construction, applying for a master metering variance in accordance with ARSD 20:10:26:04, et seq. According to the application, individual water heaters are being replaced with larger units to serve an entire building. The variance was requested for the following properties:

- 4400 S. Louise Avenue, 8 units
- 4404 S. Louise Avenue, 8 units
- 4500 S. Louise Avenue, 8 units
- 4504 S. Louise Avenue, 8 units
- 4508 S. Louise Avenue, 8 units
- 4501 Tennis Lane, 8 units
- 4505 Tennis Lane, 8 units
- 4509 Tennis Lane, 8 units
- 4511 Tennis Lane, 8 units
- 4515 Tennis Lane, 8 units

Commission Staff sought information of the applicant through several data requests. Applicant responded in a timely manner to the requests.

On May 30, 2000, the Commission considered the application of Murray Construction. Commission Staff recommended that the applicant be excepted from the requirement for individual meters under ARSD 20:10:26:04(6) due to the applicant's facilities having central water heating. The Commission has jurisdiction over this matter pursuant to SDCL 49-34A-4, 49-34A-27, and ARSD Chapter 20:10:26.

Based upon the application, responses to data requests, and the recommendation of Staff, the Commission finds that the applicant qualifies for an exception to individual metering requirements pursuant to the terms of ARSD 20:10:26:04(6), the applicant's facilities having a central water heating system. A variance or a hearing on a variance is not required. It is therefore

ORDERED, that Murray Construction L.L.C., meets the exception as found in ARSD 20:10:26:04(6) and may use master metering for gas service at the above referenced facilities and that this docket is closed.

Dated at Pierre, South Dakota, this 6<sup>th</sup> day of June, 2000.

**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 Kalbo

Date: 6/6/00

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner

Laska Schoenfelder  
LASKA SCHOENFELDER, Commissioner