

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF INADEQUATE
REASON FOR DISCONNECTION,
FAILURE TO PROVIDE SERVICE AND
TARIFF VIOLATIONS MADE BY
MIDAMERICAN ENERGY COMPANY

MIDAMERICAN ENERGY COMPANY
RESPONSE TO MOTION FOR ORDER
TO SHOW CAUSE
NG07-020

On October 5, 2007, at approximately 5:04 p.m. Staff of the South Dakota Public Utilities Commission (Commission) filed a Motion with the Commission and sent a copy of same by e-mail to an employee of MidAmerican Energy Company in the Quality Department requesting that the Commission issue an Order to Show Cause against MidAmerican Energy Company (MidAmerican). In response to that Motion, MidAmerican states the following:

1. MidAmerican's computer system can detect when an employee accesses a customer account. MidAmerican's employees are also trained to document conversations with customers. Contrary to the allegations in the Motion, MidAmerican has no notes on Mr. Thomas McDonald's account indicating an employee spoke to Mr. McDonald about paying ahead on his account and there are no "touches" on the account showing access to the account information in May, 2007 other than for meter set survey purposes. (See attached Affidavit of Crystal Lee.)
2. On May 28, 2007, a MidAmerican Energy Company employee knocked on the door at the residence of Mr. McDonald at 1806 E. 7th, Sioux Falls, South Dakota. Because there was no answer, the employee left a door hanger stating an inside meter set survey was being conducted and MidAmerican needed access. (See attached Affidavit of Dennis VanRuler.)
3. The following are MidAmerican's further attempts to contact Mr. McDonald so that we might gain access to perform the survey as required.
 - a. June 5, 2007. The first letter was mailed to the customer.
 - b. June 21, 2007. MidAmerican's automated system left a message with the voice mail box at the phone number within Mr. McDonald's account records.
 - c. June 27, 2007. The second letter was mailed to the customer.

- d. June 30, 2007. A MidAmerican employee again traveled to Mr. McDonald's residence, knocked on the door, and receiving no answer, left a second door hanger with essentially the same message as the first.
- e. July 9, 2007. MidAmerican's automated system left a message with the voice mail box at the phone number within Mr. McDonald's account records.
- f. July 13, 2007. For the third time, MidAmerican's automated system left a message with the voice mail box at the phone number within Mr. McDonald's account records.
- g. August 24, 2007. A MidAmerican employee again traveled to Mr. McDonald's residence, knocked on the door, and receiving no answer, left a third door hanger with essentially the same message as the first.
- h. August 24, 2007. MidAmerican's automated system stated the phone number was invalid.
- i. September 12, 2007. The final (third) letter was sent to the customer about MidAmerican's need to gain access to complete the survey. A copy of that letter was also sent by certified mail.

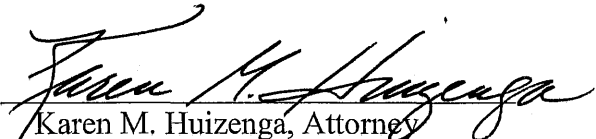
(See attached Affidavits of Crystal Lee and Dennis VanRuler.)

- 4. ARSD 20:10:20:04 states that a utility may disconnect a customer after reasonable notice for, among other reasons, failure to grant the utility access to read meters, inspect the utility's facilities, and conduct investigations for hazardous conditions. Contrary to the Staff's assertion, MidAmerican considers the ten notices by door tag, telephone and letter between May 28, 2007 and September 12, 2007 adequate and reasonable notice, especially as there is no information in the system that Mr. McDonald was leaving town for an extended period. Because notice was reasonable, MidAmerican did not violate ARSD 20:10:20:04 when it disconnected Mr. McDonald.
- 5. Because MidAmerican gave reasonable notice and disconnected for a permissible reason under ARSD 20:10:20:04, it follows that such action does not violate ARSD 20:10:20:01, SDCL49-34A-2 or SDCL49-34-9. However, MidAmerican is aware that it is difficult to determine what would be reasonable notice in all cases and that, at times, reasonable notice can be a debatable issue. Because no one would want this type of situation to arise in the future, MidAmerican requests that the Commission consider opening a rulemaking to more particularly define what would constitute reasonable notice for purposes of ARSD 20:10:20:04.

Wherefore, MidAmerican Energy Company prays that the Motion of Staff of the South Dakota Public Utilities Commission be dismissed and a rulemaking to consider a definition for reasonable notice be opened.

Respectfully submitted,

MIDAMERICAN ENERGY COMPANY

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