

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FOR AND NOTICE
BY GENE DRONG, COLMAN, SOUTH)	OF HEARING
DAKOTA, AGAINST OTTER TAIL POWER)	
COMPANY REGARDING THE PROVISION OF)	CE06-001
SERVICE TO A PROPOSED DEVELOPMENT)	
SOUTH OF EGAN)	

On May 8, 2006, the Public Utilities Commission (Commission) received a complaint filed by Gene Drong, Colman, South Dakota (Complainant), against Otter Tail Power Company (OTP) regarding the provision of service to a proposed development south of Egan.

On May 11, 2006, the complaint was faxed to OTP. Pursuant to ARSD 20:10:01:09, OTP was notified that it must satisfy the complaint or file an answer in writing with the Commission by May 30, 2006. On May 31, 2006, the Commission received an answer from OTP.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-34A.

A hearing shall be held on August 8, 2006, beginning at 1:30 P.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. All persons testifying will be subject to cross-examination by the parties.

The issue at the hearing is whether OTP committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate and whether the service to be offered by OTP is adequate.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission shall determine whether OTP committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate and whether the service to be offered by OTP is adequate. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that a hearing shall be held at the time and place specified above on the issue of whether OTP committed an unlawful or unreasonable act, rate, practice or

omission and, if so, what relief would be appropriate and whether the service to be offered by OTP is adequate.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 27th day of July, 2006.

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>Malaine Kalbo</u>
Date: <u>7/27/06</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner *dk*

Gary Hanson
GARY HANSON, Commissioner