

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

<b>IN THE MATTER OF THE COMPLAINT FILED</b>	)	<b>SCHEDULING ORDER AND</b>
<b>BY GLOBAL POLYMER INDUSTRIES, INC.,</b>	)	<b>NOTICE OF HEARING</b>
<b>ARLINGTON, SOUTH DAKOTA, AGAINST THE</b>	)	
<b>CITY OF ARLINGTON REGARDING</b>	)	<b>CE06-003</b>
<b>ELECTRICAL SERVICE</b>	)	

On June 7, 2006, Global Polymer Industries, Inc. (Complainant) filed a complaint pursuant to SDCL 49-34A-58 and 49-34A-59 against the City of Arlington (Respondent) alleging that Respondent has and is rendering inadequate electrical service to Complainant's manufacturing facility. Complainant requests that the Commission allow another electric utility to furnish electric service to its facility. On June 8, 2006, the Commission served a Notice of Complaint and Deadline for Answer on the Respondent which advised Respondent that it must file its answer within 20 days after the date of the notice and set June 28, 2006 as the date for answer. On June 16, 2006, Respondent filed its Respondent's Answer.

The Commission asserts jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-34A, specifically 49-34A-58 and 49-34A-59.

On June 12, 2006, at 1:15 P.M., a pre-hearing scheduling conference was held telephonically between Commission Counsel and counsel for Complainant, Respondent and Commission Staff. At the scheduling conference, both Complainant and Respondent agreed to waive the provisions of SDCL 49-34A-59 requiring the Commission to hold the hearing within 15 days and render its decision within 30 days following the filing of the Complaint. Based upon the discussion and consensus at the scheduling conference, a draft of this order, including the following procedural schedule, was prepared and circulated by email for comment and approval by the parties. This order incorporates the changes requested by the parties.

**Procedural Schedule**

The parties procedural schedule is as follows (all dates 2006):

June 28	Respondent's Answer (completed)
July 14	Complainant's Reply, if any
August 1	Staff's Expert Report
Sept. 12	Pre-Hearing Motions, if any, 9:30 a.m., Rm. 412, Capitol Building, Pierre, SD (telephonic participation permitted)
Sept. 27	Evidentiary Hearing, 9:30 a.m., Lewis and Clark Room #262, Union Center, SDSU, Brookings, SD, with parties to arrive at 9:00 a.m. for marking of exhibits, etc.

## **Notice of Hearing**

A hearing will be held pursuant to the Commission's authority under SDCL 49-34A-58 and 49-34A-59 on the Complaint at the above-stated time and place unless modified by subsequent order of the Commission.

The issues to be addressed at the hearing are those issues raised by the Complaint and Answer and such other issues as may be raised by pleadings or motions filed by the parties after the date of this notice and order that have not been resolved before the hearing by Commission action or stipulation of the parties. The ultimate issues in the case are (i) whether Respondent is rendering or is proposing to render adequate electric service to Complainant and (ii) if not, what particular corrective actions shall be ordered to be taken by the Respondent and by what time shall such actions be taken in order to avoid having the Commission authorize another electric utility to furnish service to Complainant.

The hearing will be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All persons testifying will be subject to cross-examination by the parties. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights may be forfeited if not exercised at the hearing. If a party or its representative fails 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 will determine the issues raised by the parties' pleadings in the case, including the issues set forth above, and order appropriate relief. An ultimate consequence of this case could be a Commission order authorizing an electric utility other than Respondent to furnish electric service to Complainant's facility. If the amount in controversy in this matter exceeds two thousand five hundred dollars or if a property right may be terminated, any party to this contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the Commission no later than ten days after service of this notice of hearing. 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 the deadlines for hearing and decision set forth in SDCL 49-34A-59 are deemed waived by the parties pursuant to oral stipulation at the scheduling conference; and it is further

ORDERED, that the procedural schedule set forth above is established and shall be followed by the parties, and all above-described documents shall be filed and served on or before the above dates unless an order modifying this schedule is approved by the Commission.

ORDERED, that a hearing shall be held at the time and place specified above on the issues as stated above.

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 10<sup>th</sup> 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:

Delaine Koelsch

Date:

7/10/06

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr  
ROBERT K. SAHR, Chairman

Dustin M. Johnson  
DUSTIN M. JOHNSON, Commissioner

Gary Hanson  
GARY HANSON, Commissioner