

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

**IN THE MATTER OF THE COMPLAINT FILED) ORDER GRANTING MOTION
BY PATSY ALLYN, PEEVER, SOUTH)
DAKOTA, AGAINST OTTER TAIL POWER) CE02-001
COMPANY REGARDING BILLING AND TREE)
DAMAGE)**

On April 1, 2002, the Public Utilities Commission (Commission) received a complaint filed by Patsy Allyn, Peever, South Dakota (Complainant), against Otter Tail Power Company (Otter Tail) regarding billing and tree damage.

On April 2, 2002, the complaint was faxed to Otter Tail. Pursuant to ARSD 20:10:01:09, Otter Tail was notified that it must satisfy the complaint or file an answer in writing with the Commission by April 22, 2002. On April 22, 2002, the Commission received an answer from Otter Tail. On April 26, 2002, the Commission received a response from Complainant. On May 2, 2002, the Commission received a motion to continue hearing to allow meter testing pursuant to tariff and for an order requiring Complainant to remove a lock from respondent's meter socket. A hearing in this matter had been scheduled for May 9, 2002. By order dated May 6, 2002, the hearing was cancelled.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-34A, specifically 49-34A-2, 49-34A-2.1, 49-34A-3, 49-34A-4, 49-34A-9, 49-34A-10, 49-34A-27, 49-34A-39, 49-34A-40, and 49-34A-58.

On May 9, 2002, at its regularly scheduled meeting, the Commission considered Otter Tail's motion. After hearing the arguments of the parties, the Commission finds and concludes that the Otter Tail tariff on file and in effect with the Commission, Section No. 3, Volume I, Original Sheet No. 98.4 (copy attached), specifies the procedure to be followed for meter tests upon the request of the customer, that such tarified procedure is consistent with ARSD 20:10:17:05, that the tarified procedure provides for Complainant to have an independent representative present for the meter test, that Otter Tail stated that it had no objection to Complainant or her representative being present to observe the removal, transportation, testing and reinstallation of the meter, that a competent independent expert is available to Complainant to observe the test procedure, that there is no evidence or indication that the Otter Tail test equipment will not accurately test the meter's performance, and that the test procedure specified in the tariff is a reasonable procedure. The Commission further finds that Complainant has pointed to no competent evidence, other than a meter test, to prove Complainant's allegations of metering inaccuracy and over-billing. The Commission further finds that the Otter Tail tariff on file and in effect with the Commission provides in the General Rules and Regulations, paragraph 12, Section No. 5, Volume I, 4th Rev. Sheet No. 99.9-Super. No. 1, Rules and Regulations, Page 3 of 6 (copy attached), that Company representatives shall have access to the customer's premises for the purposes of ". . . making inspections, removing the Company's property or for any other purpose incident to the service."

The Commission accordingly voted to grant Otter Tail's motion to continue further proceedings in the matter pending testing of its meter pursuant to its tariff and to allow Otter Tail access to its meter. It is therefore

ORDERED, that Otter Tail's motion for continuance is granted and hearing in this docket will be continued indefinitely, for a reasonable period of time, to afford Complainant an opportunity to

request, and Otter Tail to perform, a meter test in accordance with Otter Tail's tariff and the provisions of this Order; it is further

ORDERED, that upon Complainant's request for a meter test as provided in the approved tariff, Otter Tail shall (i) perform a meter test on its meter serving Complainant's premises at its expense, and (ii) in performing such test, permit Complainant or her representative, at Complainant's expense, to be present during removal of the meter from Complainant's premises, transportation of the meter to the place of testing, actual testing of the meter and return and reinstallation of the meter to Complainant's premises; it is further

ORDERED, that if Complainant requests, a technician from the Commission staff shall be made available, at no charge to Complainant, to serve as Complainant's third party representative to observe the removal, transporting, testing and reinstallation of the meter; and it is further

ORDERED, that Complainant shall remove all locks or other restraints from Otter Tail's meter placed on the meter installation by Complainant or anyone other than Otter Tail, refrain from placing locks or restraints on the meter in the future and allow Otter Tail unencumbered access to its meter.

Dated at Pierre, South Dakota, this 21st day of May, 2002.

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>Neilina Kalbs</u>
Date:	<u>5/22/02</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Robert K. Sahr
ROBERT K. SAHR, Commissioner

DEPOSITS FOR METER TEST
AT CUSTOMERS' REQUEST

APPLICATION OF SCHEDULE: The following terms shall apply to any South Dakota customer (residential or non-residential) who requests Otter Tail Power Company to test the electric service meter that serves them.

- A. The Company shall make such test as soon as possible after receipt of the request.
- B. If a request is made within one year after a previous request, the Company may require the customer to pay a deposit prior to the test.
- C. The deposit amount shall be based on the type of meter to be tested and the class of service of the customer making the request, listed as follows:

	<u>Meter Rating</u>	<u>Deposit</u>
Residential Service:	All Types	\$10.00
Non-residential Service:	Single Phase	\$10.00
	Single Phase Demand and Self Contained Three Phase	\$20.00
	All Others	\$30.00

- D. The deposit shall be refunded only if the meter is found to have an unacceptable error as defined in the Commission's rules and regulations.

A customer may be present or have a representative present when the meter test is conducted. The Company shall supply a report giving the name of the customer requesting the test; the date of the request; the location of the meter; the type, make, size and number of the meter; the date tested; and the result of the test to the customer within one week after completion of the test.

GENERAL RULES AND REGULATIONS (Continued)

9. **GASEOUS TUBE LIGHTING:** A customer will not be permitted to connect to the Company's lines, any fluorescent, neon or other lighting equipment having similar load characteristics, unless equipment is provided, without expense to the Company, with auxiliaries or other means to correct the power factors of such equipment to not less than 90%.

10. **SPECIAL EQUIPMENT:** At a customer's request, the Company will make service available to certain special equipment over a separate service line or separate transformer, and through a separate meter with separate billing. If it appears to the Company that its expenditure may not be justified by the anticipated revenue, the rule covering extension of service will apply.

Equipment which, because of its operating characteristics, may interfere with satisfactory service to other customers may, at the Company's option, be served through a separate service and meter with separate billing. When this condition is encountered, the customer shall, at his expense, make the necessary changes to properly correct the existing condition.

11. **RURAL METER READINGS:** Customers located in rural areas shall, upon request of the Company, each report the reading of his meter monthly on forms provided by the Company. The Company will verify such readings by having one of its employees read such meters at intervals of approximately twelve months.

12. **ACCESS TO CUSTOMERS' PREMISES:** Company representatives, when properly identified, shall have access to customers' premises at reasonable times for the purpose of reading meters, making repairs, making inspections, removing the Company's property or for any other purpose incident to the service.

13. **SERVICE AREAS:** Classification of communities for rate purposes shall be determined by the last official federal or state census as published. Rates shall be designated as follows:

- Rate Zone 1 - All communities including unincorporated communities.
- Rate Zone 9 - Rural areas and resort areas.

Customers outside of, but adjacent to or near the city limits of any community, shall be charged the rate applicable to like customers inside the city limits if they are so located that from a practical standpoint they are a part of the community.

14. **SERVICE CLASSIFICATION:** Rates designated "General Service" are available to any customer in the class of community or service area designated.

Other rates shall apply only to the class of customers designated in the title of the rate, and only under the circumstances, and in accordance with the terms and for types of equipment specified in "Application of Schedule."