

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FOR AND NOTICE
BY ROSLYN BULLION, DELL RAPIDS, SOUTH)	OF HEARING
DAKOTA, AGAINST MIDAMERICAN ENERGY)	
COMPANY REGARDING A BILLING DISPUTE)	CN02-001

On February 4, 2002, the Public Utilities Commission (Commission) received a complaint filed by Roslyn Bullion, Dell Rapids, South Dakota (Complainant), against MidAmerican Energy Company (MidAmerican) regarding a billing dispute.

On February 4, 2002, the complaint was faxed to MidAmerican. Pursuant to ARSD 20:10:01:09, MidAmerican was notified that it must satisfy the complaint or file an answer in writing with the Commission by February 25, 2002. On February 25, 2002, the Commission received an Answer from MidAmerican. On March 4, 2002, the Commission received a Response to Answer from Complainant. On May 23, 2002, the Commission received a Supplemental Answer and Motion to Dismiss from MidAmerican. On June 6, 2002, the Commission received an Answer to the Supplemental Answer and Motion to Dismiss from Complainant. On June 13, 2002, at a regularly scheduled meeting, the Commission considered the Motion to Dismiss. The Commission voted unanimously to deny the Motion to Dismiss.

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 October 15, 2002, beginning at 1:30 P.M., in the City Hall Committee Room, 302 4th Street, Dell Rapids, South Dakota. All persons testifying will be subject to cross-examination by the parties.

In her complaint, Complainant alleges that MidAmerican committed the following acts, errors, practices or omissions:

With respect to 418 East 4th Street, Dell Rapids, SD - Acct. No. 01860-55047

1. Over-billed for gas service.
2. Failed to provide records of past three (3) years gas usage for the premises after Complainant requested this information.
3. Wrongfully transferred charges attributable to 302 East 7th Street, Dell Rapids, (Acct. No. 86280-53095), a residential account, to this commercial account.
4. Erroneously billed Roslyn and Glen Bullion for a property owned by Russ Bullion.

With respect to 302 East 7th Street, Dell Rapids, SD - Acct. No. 86280-53095

5. Failed to shut off gas and terminate account following Complainant's verbal request to do so, which Complainant alleges occurred in July, 2000 (Complainant disputes the entirety of the billings on this account for this reason).

With respect to 416 East 4th Street, Apt. 1, Dell Rapids, SD - Acct. No. 54360-53181

6. Unpaid account balances for 302 E. 7th Street (Acct. No. 86280-53095) and for 412 E. 5th Street (Acct. No. 69690-53031) were wrongfully transferred to this account.
7. The unpaid account balance was wrongfully sent to a collection agency for collection.

The issues at the hearing are (i) whether, and to what extent, any of these alleged acts, errors, practices or omissions occurred, (ii) to the extent that any of them did occur, whether MidAmerican thereby committed one or more unlawful or unreasonable acts, rates, practices or omissions and (iii) if so, what relief is appropriate.

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 MidAmerican committed an unlawful or unreasonable act, rate, practice, or omission and, if so, order any appropriate relief. 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 MidAmerican committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

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 18th day of September, 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>Waldino Kelso</u>
Date:	<u>9/19/02</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