

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

**IN THE MATTER OF THE COMPLAINT FILED)
BY LEE ANDERSEN / PROGRESSIVE)
PROPERTY MANAGEMENT, SIOUX FALLS,)
SOUTH DAKOTA, AGAINST MIDAMERICAN)
ENERGY COMPANY REGARDING A BILLING)
DISPUTE)**

**ORDER FOR AND NOTICE
OF HEARING**

CN11-001

On December 19, 2011, Lee Anderson with Progressive Property Management filed with the Public Utilities Commission (Commission) a Complaint against MidAmerican Energy Company (MidAmerican) regarding a billing dispute (Complaint). Mr. Anderson alleges that properties he manages were improperly billed for services they did not use and requests that the Commission order MidAmerican to remove such charges from all Progressive Property Management accounts. On December 19, 2012, the Commission served a Notice of Complaint; Deadline for Answer on MidAmerican in accordance with ARSD 20:10:01:09. On January 9, 2012, MidAmerican filed a detailed Answer to the Complaint.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-34A, including 49-34A-3, 49-34A-4, and 49-34A-6, and ARSD Chapter 20:10:01, including 20:10:01.07.01 through 20:10:01.11.01, and ARSD Chapters 20:10:15 through 20:10:17.

A hearing will be held on April 13, 2012, commencing at 10:00 a.m. CDT in Room 153 University Center North (in main bldg.), 4801 N. Career Ave., Sioux Falls, S.D. and, simultaneously via Dakota Digital Network, in Room 414, State Capitol Building, 500 E. Capitol Ave., Pierre, S.D., with exhibit marking to begin at 9:45 a.m. CDT.

The issues at the hearing are whether MidAmerican committed an unlawful or unreasonable act, rate, practice or omission and, if so, what relief would be appropriate.

The hearing will 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 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, evidence and argument provided, if any, during the hearing and on the filings in the record made by the parties to the proceeding at such time or a final decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all testimony and evidence 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 this hearing, the Commission will determine the issues as set forth in the preceding paragraph. 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 hearing on the Complaint shall be held on Friday, April 13, 2012, commencing at 10:00 a.m. CDT in Room 153 University Center North (in main bldg.), 4801 N. Career Ave., Sioux Falls, S.D. and, simultaneously via Dakota Digital Network, in Room 414, State Capitol Building, 500 E. Capitol Ave., Pierre, S.D., with exhibit marking to begin at 9:45 a.m. CDT.

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 16th day of March, 2012.

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, electronically.
By: <u>Joy Chung</u>
Date: <u>3-16-12</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner