

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

IN THE MATTER OF THE COMPLAINT FILED)
BY JAMES AND MARY BETH MOSS, SIOUX)
FALLS, SOUTH DAKOTA, AGAINST)
NORTHERN STATES POWER COMPANY)
REGARDING A BILL)

ORDER FINDING
PROBABLE CAUSE

EL97-009

On May 3, 1997, the Public Utilities Commission (Commission) received a complaint filed by James and Mary Beth Moss (Complainants), Sioux Falls, South Dakota, against Northern States Power Company (Respondent), regarding payment arrangements on a past due bill. Complainants indicate that they acknowledge the past due amount and that they have been making payments to reduce that amount. Complainants further indicate that Respondent is dissatisfied with the payment amounts submitted by them and has issued a notice of disconnection to become effective unless Complainants pay an amount which they claim is unreasonable given their circumstances. Complainants are asking that the Commission allow them to continue making "good faith" payments on their debt.

Pursuant to ARSD 20:10:01:08.01 and 20:10:01:09, if a complaint cannot be settled without formal action, the Commission shall determine if the complaint shows probable cause of an unlawful or unreasonable act, rate, practice or omission to go forward with the complaint.

On May 13, 1997, at its regularly scheduled meeting, the Commission considered this complaint along with presentations by Mr. Moss, Jim Wilcox, a representative of Northern States Power Company, and Commission Staff.

The Commission has jurisdiction over this matter pursuant to SDCL 49-34A-2, 49-34A-4, 49-34A-27, 49-34A-42, 49-34A-55, and ARSD 20:10:01:08.01, and 20:10:01:09. The Commission, Laska Schoenfelder dissenting, voted to find probable cause due to a factual dispute and directed the executive director to set a procedural schedule. It is therefore

ORDERED, that probable cause has been found in this matter and that the complaint shall be forwarded to Northern States Power Company and Northern States Power Company shall file with the Commission its answer in writing within twenty (20) days of service of this order. It is further

ORDERED, that the executive director shall set a procedural schedule in this matter.

Dated at Pierre, South Dakota, this 21st day of May, 1997.

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><i>Dellene Kalbo</i></u>
Date: <u>5/22/97</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

LASKA SCHOENFELDER, Commissioner
Dissenting