

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FINDING
BY JOHN BYRE, SIOUX FALLS, SD, AGAINST)	PROBABLE CAUSE AND
NORTHERN STATES POWER COMPANY)	NOTICE REQUIRING
REGARDING A BILL)	ANSWER
)	EL97-008

On April 17, 1997, the South Dakota Public Utilities Commission (Commission) received a complaint from John Byre (Byre), Sioux Falls, SD, against Northern States Power Company (NSP) regarding a bill. Byre states that he feels he is being unfairly charged for moving a cable that was installed incorrectly by NSP. Byre further states that the drawings and work order are specific about where the cable was to be placed, and that NSP changed the route because of a dirt pile. Because the original contract states that the owner must clear the route before NSP begins underground installation, Byre alleges that NSP's reason for changing the route is invalid. Byre has requested the Commission to cancel the bill and hold NSP responsible for their actions.

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 July 15, 1997, at its regularly scheduled meeting, the Commission considered the matter along with comments from Byre, NSP and Staff.

The Commission has jurisdiction over this matter pursuant to SDCL 49-34A and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission unanimously voted to find probable cause. It is therefore

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

Dated at Pierre, South Dakota, this 29th day of July, 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>Debra Kaelbo</i></u>
Date: <u>7/29/97</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner