

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

IN THE MATTER OF THE COMPLAINT )	ORDER FINDING NO
FILED BY KEVIN J. MCKEE, DEADWOOD, )	PROBABLE CAUSE, DISMISSING
SOUTH DAKOTA, AGAINST BLACK HILLS )	COMPLAINT AND CLOSING
POWER AND LIGHT COMPANY )	DOCKET
REGARDING RECEIVING ELECTRICAL )	
SERVICE )	EL98-003

On February 25, 1998, the Public Utilities Commission (Commission) received a Complaint filed by Kevin J. McKee, Deadwood, South Dakota, against Black Hills Power and Light Company (BHPL) regarding receiving electrical service. The complainant states: "My property lies within BHPL territory, but the nearest power is in Butte Electric territory. I've talked to both power companies and a territorial trade is unlikely. I've received estimates from both companies and to receive power from BHPL would cost a minimum of \$11,880.00 and that is if I can obtain a right of way over a neighbor's property and if it were all overhead. On the other hand Butte Electric is approximately 1/4 mile from my property. It would only cost \$3,960.00 to receive power from them. . . ." Mr. McKee requested to have the property released by BHPL and to be served by Butte Electric.

On March 10, 1998, at a duly noticed Commission meeting, the Commission considered this complaint along with presentations by the interested parties. The Commission deferred any action on the complaint at that time.

On July 23, 1998, at its duly noticed meeting, the Commission reviewed the Complaint as well as comments from BHPL and complainant.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-34A, specifically 49-34A-58, and ARSD 20:10:01:08.01 and 20:10:01:09.

The Commission unanimously voted to find no probable cause of an unlawful or unreasonable act, rate, practice, or omission on the part of BHPL and to dismiss the Complaint and close the docket. As the Commission's final decision in this matter, it is therefore

ORDERED, that the Commission does not find probable cause of an unlawful or unreasonable act, rate, practice or omission and therefore the Complaint is dismissed and docket EL98-003 is hereby closed.

Dated at Pierre, South Dakota, this 5<sup>th</sup> day of August, 1998.

<p><b>CERTIFICATE OF SERVICE</b></p> <p>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.</p> <p>By: <u><i>Allain Kelbo</i></u></p> <p>Date: <u>8/6/98</u></p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

*James A. Burg*  
 JAMES A. BURG, Chairman

*Pam Nelson*  
 PAM NELSON, Commissioner

*Laska Schoenfelder*  
 LASKA SCHOENFELDER, Commissioner