

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

IN THE MATTER OF THE COMPLAINT)
FILED BY JUDY MATHISON, SIOUX FALLS,)
SOUTH DAKOTA, AGAINST NORTHERN)
STATES POWER COMPANY REGARDING)
DISCONNECTION)

ORDER FINDING NO
PROBABLE CAUSE, DISMISSING
COMPLAINT AND CLOSING
DOCKET
EL98-018

On June 22, 1998, the Public Utilities Commission (Commission) received a complaint filed by Judy Mathison, Sioux Falls, South Dakota, against Northern States Power Company (NSP) regarding disconnection. The complainant states that her electricity was disconnected, without notice, because her daughter stayed with her while making other living arrangements. The daughter and husband owe \$428.08 to NSP at a previous address. The complainant sought the following relief: No reconnect charges. With knowledge that daughter's husband is making payments for their old bill, allow daughter electric service at her new address with no deposit. Reimbursement of \$100 to cover spoiled food and having to eat out. Cover legal fees charged. No less than \$500 for the anguish and distress caused. The Commission also received a letter from NSP stating that complainant was not disconnected because of her daughter but due to nonpayment of complainant's own account at a previous address. NSP also states that "Ms. Mathison paid the outstanding balance" and "is receiving service from NSP." As a result, NSP suggests that the Commission lacked jurisdiction because a dispute between complainant and NSP no longer existed.

On July 23, 1998, at its duly noticed meeting, the Commission reviewed the complaint as well as comments from NSP 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 NSP and to dismiss the complaint and close the docket. The Commission found that since complainant paid her outstanding bill and was currently receiving service from NSP that no dispute existed between the parties. The Commission also found that it did not have jurisdiction to award complainant monetary damages for legal fees or pain and suffering. 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 EL98-018 is hereby closed.

Dated at Pierre, South Dakota, this 5th day of August, 1998.

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: *Alvin Kells*

Date: 8/6/98

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner