BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED BY BRUCE ITTERMAN, HARRISBURG, SD, AGAINST MIDAMERICAN ENERGY COMPANY REGARDING A GAS BILL	))))	ORDER FOR AND NOTICE OF HEARING NG97-009

On June 16, 1997, the Public Utilities Commission (Commission) received a complaint filed by Bruce Itterman, (Complainant), Harrisburg, SD, against MidAmerican Energy Company (MidAmerican). The complaint concerns billings for natural gas service incurred during the period November 1996 to January 1997, for rental property owned by Complainant located in Sioux Falls, SD. The complainant stated when he received a gas bill for the rental property he called MidAmerican and requested the bill to be put in the tenant's name or in the alternative have the gas turned off. Both requests were denied by MidAmerican. Complainant feels he is not responsible for the gas bill for the rental property because the lease agreement signed by the tenant stated that the tenant is responsible for paying for gas service. Further, Complainant asks that MidAmerican honor leases because they are legally binding contracts.

At its regularly scheduled July 15, 1997, meeting, the Commission found probable cause of an unlawful or unreasonable act, rate, practice or omission and served the complaint on MidAmerican. MidAmerican filed its response on August 18, 1997.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-34A, and ARSD 20:10:01:15.

The issue at the hearing is whether Mr. Itterman should be held responsible for the gas bill for rental property owned by him during the period November 1996 to January 1997.

A hearing shall be held from 1:00 to 3:00 p.m., on Monday, September 29, 1997, at the Days Inn Empire, located at 3401 Gateway Boulevard, Sioux Falls, South Dakota. It shall 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 shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearings, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearings or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. The Commission's 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 a hearing shall be held at the time and place specified above on the issue of whether Mr. Itterman should be held responsible for the gas bill for rental property owned by him during the period November 1996 to January 1997.

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 18th day of September, 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: Delaine Kolbo

Date: 9/18/97

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:
Commissioners Burg, Nelson and Schoenfelder

WILLIAM BULLARD, JR.
Executive Director