

01329-46

RECEIVED

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

COMPLAINANTS:

RESPONDENT:

BRAD and DIANN MOREHOUSE
RR 2, Box 28A
Andover, SD 57422

LAKE REGION ELECTRIC
ASSOCIATION, INC.
1212 Main Street
Webster, SD 57274

Telephone (605) 298-5622

Telephone (605) 345-3379

RESPONDENT'S ANSWER TO COMPLAINANTS' COMPLAINT

Comes now Respondent, Lake Region Electric Association, Inc., 1212 Main Street, Webster, South Dakota, and submits the following answer to Complainants' Complaint before the PUC Commission of the State of South Dakota.

Respondent states and alleges as follows:

I.

That Complainants' Complaint fails to state a cause of action upon which relief can be granted.

II.

Respondent denies Complainants' allegations that it is liable for any damages caused by stray voltage on Complainants' farm in Day County, South Dakota.

III.

Respondent states that on Complainants' farm it has conducted the necessary tests which are standard in the industry and found no unacceptable voltages.

IV.

Respondent states that the highest voltage found at a cow contact point, i.e., stanchion to floor, was approximately one-half of a volt ac. That this voltage was found with or without the milking equipment turned on. That no problems were found with any of the Respondent's equipment bringing electricity to Complainants' farm.

V.

That there is no evidence of any negligence on the part of Respondent that would serve as a basis for a liability claim.

VI.

That the voltage readings found at cow contact points on Complainants' farm are typically not considered high enough to be responsible for the types of problems they allege in their complaint.

VII.

That according to recent scientific research, as published by USDA, cows will typically not perceive and respond to voltage unless the readings at cow contact points approach one-half of a volt (this means a reading taken from the stanchion to the floor, not from the stanchion to the pipeline).

VIII.

That according to recent studies, voltage levels found on Complainants' farm will not lead to production problems and mastitis.

IX.

That Complainant, when using a volt meter to test for stray voltage, was inexperienced and did not understand how to operate the meter.

X.

That the excess voltage which was read on any of the meters was found on milklines which were not at cow contact points. These lines were six to eight feet above the cow stanchion.

XI.

That the employees of the Respondent have a certain procedure to use when checking for stray voltage. When they first arrive on the farm, they bring with them a checklist which is filled out by one of the employees to determine stray voltage. This was accomplished at the Complainants' farm.

XII.

That after the checklist was completed, the employees did a walk-through the building. That upon completion of the walk-through, they then tested with a volt meter for stray voltage with the equipment running and then again with the equipment shut off.

XIII.

That it is recognized in the electrical industry that there is a neutral to earth voltage that can be found in most electric utility service territories. This phenomena of electricity does not necessarily mean that the cows on Complainants' farm were subject to stray voltage.

XIV.

That the only significant voltage readings which would affect the cows must come from a cow contact point.

XV.

That the Respondent did not deem it necessary to place a blocker on Complainants' farm because their tests did not reveal any stray voltage.

That the employees of Respondent placed a blocker on Complainants' farm only upon the insistence of Complainants.

XVI.

The Public Commission of Wisconsin's Stray Voltage Analysis Team's (SVAT's) states that milk isn't a particularly good conductor of electricity, and the resistance of the milk hose from the milking line to the machine claw is inversely proportional to milk flow rate. Thus, in spite of the fact that observed cow behavior modifications are frequently associated with the milking process, it requires more than 25 volts on the milking line for cows to obtain perceptible currents through this pathway.

XVII.

The Public Commission of Wisconsin's Stray Voltage Analysis Team's (SVAT's) states that the milking line/pipeline to the floor is not an acceptable cow contact area. There are two reasons why the pipeline should not be used as a cow-contact location. First, the very high impedance (50,000 ohms) path from the pipeline to the cows, through the milking equipment, would require at least 50 volts to generate one milliamp through the cow. Secondly, the pipeline cannot be directly contacted by the cows. For these reasons we see no need to include pipeline to floor as part of any cow-contact measurements. Corrective actions to mitigate stray voltage should not be based on pipeline to floor measurements.

XVIII.

That at some point with the equipment running at a tie stall, they received 1.0 volts ac from the milkline to the stanchion. They then grounded the milkline and reduced the voltage to .6 ac.

XIX.

That at the transformer for the pulsator in the milkroom, they had 37 volts ac and at the junction box cover, there were 24 volts ac.


XX.

Respondent has published the necessary information in the cooperative newsletter to keep its consumers up to date as to what steps to take if the consumer suspects stray voltage.

WHEREFORE, Respondent requests the Commission to deny Complainants' Complaint and determine that Complainants do not have good or sufficient reason for making a complaint and the Complainants are without standing to make the complaint, and the Complaint fails to show probable cause or otherwise fails to conform to the evidence required to find the Respondent negligent.

DATED: this 17th day of February, 1995.

DELANEY, VANDER LINDEN & DELANEY

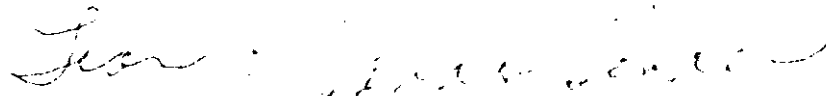


Leon J. Vander Linden
Attorney for Respondent
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Webster, SD 57274
1-605-949-3321

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 17th day of February, 1995, a true and correct copy of the foregoing Respondent's Answer to Complainants' Complaint was mailed by first class mail to:

South Dakota Public	Brad and Diann Morehouse
Utilities Commission	RR 2, Box 28A
State Capitol	Andover, SD 57422
Pierre, SD 57501-5070	



Leon J. Vander Linden