

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING
BY RODNEY LIMMER AGAINST OTTER TAIL)	COMPLAINT AND CLOSING
POWER COMPANY.)	DOCKET
)	EL95-014

On June 13, 1995, the South Dakota Public Utilities Commission (Commission) received a formal written complaint against Otter Tail Power Company (Otter Tail) filed by Rodney Limmer, Wentworth, South Dakota. Mr. Limmer alleged that Otter Tail had wrongfully disconnected his utility service on two separate occasions: May 17, 1995, and May 31, 1995. Mr. Limmer requested that Otter Tail waive any disconnection, reconnection and overtime charges. He also requested that a different representative handle future business with him. On June 21, 1995, the Commission received additional information from Mr. Limmer. He requested further relief from Otter Tail in the form of monetary damages.

Pursuant to SDCL 49-34A-4 and ARSD 20:10:01:08.01, 20:10:01:09, 20:10:01:10, and 20:10:01:11.01, 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 and serve it upon respondent Otter Tail Power Company.

On June 22, 1995, at its regularly scheduled meeting, the Commission considered this matter. Mr. Limmer explained the complaint. Leon Kremer, a representative of Otter Tail, presented the company's position and offered to waive all the disconnection, reconnection, and overtime charges. Commission Staff recommended dismissal of the complaint and closure of the docket. The Commission has jurisdiction over the matter of disconnected service pursuant to SDCL Chapter 49-34A, specifically 49-34A-2 and 49-34A-4. The Commission does not have the authority to award monetary damages.

The Commission found that the disconnection procedure followed by Otter Tail did not constitute an unlawful or unreasonable act, rate, practice, or omission. As the Commission's final decision in this matter, it is therefore,

ORDERED that the complaint is dismissed, and it is

FURTHER ORDERED that the docket is closed.

Dated at Pierre, South Dakota, this 30th day of June, 1995.

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: Gerry Hanson

Date: June 30, 1995

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kenneth Stofferahn
KENNETH STOFFERAHN, Chairman

James A. Burg
JAMES A. BURG, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner