

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED ) ORDER DISMISSING  
BY NEW ELM SPRINGS COLONY OF ETHAN, ) COMPLAINT AND CLOSING  
SD, AGAINST NORTHWESTERN PUBLIC ) DOCKET  
SERVICE TO PROVIDE REMOTE CONTROL )  
GENERATOR POWER ) EL95-019

On July 20, 1995, Joseph Tschetter, representing New Elm Spring Colony (Complainant), filed a complaint with the Public Utilities Commission (Commission) against Northwestern Public Service (NWPS). According to the complaint, Complainant owns an automatic power generator which could be activated by NWPS using remote control whenever Complainant's electrical usage is at or near peak. Complainant is currently paying approximately \$1600 per month in demand charges to NWPS. Complainant indicates that Turner-Hutchinson Electric Cooperative provides such remote control activation of a generator at another of Complainant's locations and this arrangement either reduces or eliminates demand charges at that site. Complainant is requesting the Commission to direct NWPS to utilize Complainant's generating equipment and to forego its demand charges.

At its regularly scheduled meeting of August 23, 1995, the Commission deferred action in this matter as both parties indicated they were involved in settlement negotiations. At its regularly scheduled meeting of January 4, 1996, and February 21, 1996, the Commission again deferred action on this matter at the request of Complainant.

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 NWPS.

On March 12, 1996, at its regularly scheduled meeting, the Commission considered this matter. Warren Lotsburger, representative of NWPS, explained the action taken by NWPS and the Complainant to resolve the complaint. Joseph Tschetter filed a letter with the Commission asking for withdrawal of the complaint as the parties had resolved the matter.

The Commission finds that it has jurisdiction in this matter pursuant to SDCL 49-34A-58. The Commission also finds that the parties have satisfactorily resolved the complaint and have asked that the complaint be dismissed and the docket closed. As the Commission's final action, it is therefore

ORDERED that the complaint in docket EL95-019 be dismissed and it is further

ORDERED that the docket be closed.

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Dated at Pierre, South Dakota, this 21<sup>st</sup> day of March, 1996.

**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: *Helene Kalka*

Date: 3/22/96

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*Kenneth Stofferahn*  
KENNETH STOFFERAHN, Chairman

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

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