

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DISMISSING
BY LARRY SCHNABEL, EUREKA, SOUTH)	COMPLAINT AND CLOSING
DAKOTA, AGAINST MONTANA DAKOTA)	DOCKET
UTILITIES FOR DAMAGES DUE TO SURGES)	
OF ELECTRICITY)	EL95-026

On September 19, 1995, the Public Utilities Commission (Commission) received a formal complaint from Larry Schnabel, Eureka, South Dakota, against Montana-Dakota Utilities (MDU). Mr. Schnabel alleged in his complaint that upon noticing that the lights in his building were not working and that his copy machine was not working properly, he notified MDU of the problem. MDU identified the problem as a corroded connector that was on one of the phase wires that serves the store. MDU advised this would either reduce or restrict the flow of electricity to the store on that phase of the service causing either a partial or complete loss of power of the circuits in the store and could possibly result in less consumption being used. Mr. Schnabel advised MDU he would not pay for the excess electricity that had been billed to him in the amount of \$50.00 and that he wanted the copy machine repaired. MDU offered to pay for the repair to the copy machine but maintained Mr. Schnabel had been properly billed.

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 MDU.

On October 17, 1995, at its regularly scheduled meeting, the Commission reviewed this matter. The Commission has jurisdiction over this matter pursuant to SDCL 49-34A-2, 49-34A-4, 49-34A-6, 49-34A-9, and ARSD 20:10:01:08.01, 20:10:01:09, 20:10:01:10, and 20:10:01:11.01. The Commission found that the action taken by MDU did not constitute an unlawful or unreasonable act, rate, practice, or omission. As the Commission's final decision in this matter, it is therefore,

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ORDERED that the complaint is dismissed, and it is

FURTHER ORDERED that the docket is closed.

Dated at Pierre, South Dakota, this 25th day of October, 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 *Perry Herum*

Date: 10-27-95

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kenneth Stofferahn
KENNETH STOFFERAHN, Chairman

James A. Burg
JAMES A. BURG, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner