

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

IN THE MATTER OF THE COMPLAINT FILED)
BY RAYMOND AND BEVERLY NORDSTROM,)
SPEARFISH, SOUTH DAKOTA, AGAINST)
BUTTE ELECTRIC COOPERATIVE, INC. AND)
BLACK HILLS POWER AND LIGHT)
REGARDING ELECTRICAL SERVICE TO)
CERTAIN LOTS IN MOUNTAIN SHADOWS)
MOBILE HOME PARK, SPEARFISH, SD)

**ORDER FINDING
PROBABLE CAUSE**

EL96-021

On August 30, 1996, the Public Utilities Commission (Commission) received a formal complaint from Raymond and Beverly Nordstrom, Spearfish, South Dakota, concerning electrical service to certain lots in Mountain Shadows Mobile Home Park. The issue in the complaint is which electric service provider, Butte Electric Cooperative, Inc. (Butte) or Black Hills Power & Light (BHP&L), should provide electrical service to 7 lots located in Mountain Shadows Mobile Home Park in Spearfish, SD. The Nordstroms are requesting that the entire park be served by Butte Electric as it is already serving the other 318 lots in the park and the Nordstroms contend that this was the intention of docket EL94-025 which granted approval of a change in service territory between Butte and BHP&L.

Pursuant to ARSD 20:10:01:08:01 and 20:10:01:09, 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.

On October 8, 1996, at its regularly scheduled meeting, the Commission deferred action in this matter. At its regularly scheduled November 1, 1996, meeting the Commission considered this complaint along with presentations by Mr. Nordstrom, Ken Wetz, a representative of Butte, Jim Mattern, a representative of BHP&L, and Commission Staff.

The Commission has jurisdiction over this matter pursuant to SDCL 49-34A-2, 49-34A-4, 49-34A-27, 49-34A-42, 49-34A-55, and ARSD 20:10:01:08.01. and 20:10:01:09. The Commission unanimously voted to find probable cause due to a factual dispute and directed the executive director to set a procedural schedule. It is therefore

ORDERED, that probable cause has been found in this matter and that the complaint shall be forwarded to Butte and BHP&L and Butte and BHP&L shall file with the Commission its answer in writing within twenty (20) days of service of this order. It is further

ORDERED, that the executive director shall set a procedural schedule in this matter.

Dated at Pierre, South Dakota, this 5th day of November, 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: *Melanie Kabis*

Date: 11/6/96

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kenneth Stofferahn
KENNETH STOFFERAHN, Chairman

James A. Burg
JAMES A. BURG, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner