

EL 97-006

CW/MD

EL 97-006

DOCKET NO.

In the Matter of IN THE MATTER OF THE COMPLAINT
FILED BY JIM SCHIRBER, HERMOSA,
SD, AGAINST MONTANA-DAKOTA
UTILITIES REGARDING TRANSFER OF
ELECTRIC SERVICE

Public Utilities Commission of the State of South Dakota

DATE

MEMORANDA

DATE	MEMORANDA
3/17/97	Filed and Docketed.
5/27/97	Cycle leading to Probable Cause, Dismissal of Complaint and Closing Docket.
5/21/97	Docket Closed.

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PLEASE TYPE OR PRINT CLEARLY

EL97-006

RECEIVED

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

MAR 17 1997

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

COMPLAINT

Complainant(s): (The party filing the complaint)		Respondent(s): (The person or Company complained against)	
Name	Jim Schirber	Contact Person	Devin Schinabel
Address	HCR 87 BOX 95	Company	ADU
City, State, Zip	HELMONA SD 57444	Address	PO BOX 280
Work Phone		City, State, Zip	HELMONA SD 57444
Home Phone	605-665-4437	Work Phone	
Cellular Phone		Cellular Phone	
Fax		Fax	

If the Complainant is represented by an attorney, please list the attorney's name, address, telephone number and fax number below:
If Complainant is not represented by an attorney, please leave blank:

The facts giving rise to my complaint:

WE WISH TO HAVE OUR PROPERTY BETWEEN 20TH
STREET AND US 12 BRIDGE AND WEST OF THE
RAILROAD TRACKS SERVICED BY ANNUAL. ALL
OUR ADJACENT PROPERTY IS PRESENTLY SERVICED
BY ANNUAL AND THEY WILL PROVIDE THIS NEW
SERVICE WITHOUT A HOORUP CHARGE.

I REQUESTED TRANSFER OF THE SERVICE FROM
ADU BUT THEY REFUSED. SEE ATTACHED
CORRESPONDENCE

NOTE: Please attach additional pages, if necessary, to explain your situation. Also enclose copies of any bills or other documents which may pertain to your complaint.

RESOLUTION REQUEST

I ask that the Public Utilities Commission grant the following relief. (What do you think the Commission should do to solve this problem?)

WE WOULD LIKE YOU TO ARRANGE FOR ADU
TO RELINQUISH THEIR RIGHT TO SERVICE
FOR THE ABOVE PROPERTY TO ANNUAL

NOTE: Please attach any additional pages, if necessary.

VERIFICATION

Signature must be witnessed by a notary public.

Jim Schirber

12/11/97

Complainant's Signature

Date

State of South Dakota)
County of Pennington)SS

On this 13 day of March, 1997, before me
personally came and appeared Jim Schirber
known to me to be the individual described herein and who executed the foregoing instrument, and who duly acknowledged to me
that he/she executed same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Prescott C. Pearson
Signature of Notary Public

(SEAL)

My commission expires: 10/2/97

NEXT

DOCUMENT (S)

DISREGARD

BACKGROUND

7 Nov 96

Mr Dennis Schnabel
Area Manager
MDU.

Dear Mr Schnabel

Bob Fuler and I talked to you in September about electrical service to our property between 20th street and the highway bridge and west of the railroad tracks which we are considering selling/developing.

We understand that MDU has the option to service this property. We request that you relinquish this option to CAMWAC. They are anxious to give us this service at no cost because they have immediately adjacent service. All of our property which abuts the area under discussion is now served by CAMWAC so it would be much more convenient for us to have one vendor. I hope you can accommodate our request.

J E Fuler
HCR 89 Box 95
MEDINA SD

605-666-4437

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MONTANA-DAKOTA

UTILITIES CO.

A Division of MDU Resources Group, Inc.

401 Main
P.O. Box 280
Mobridge, SD 57601

November 12, 1996

Mr. J.e. Schirber
HCR 89 Box 92
Hermosa, SD 57744

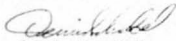
Mr. Schirber;

This is in response to your November 4th letter in which you asked MDU to relinquish our Territorial Rights so that CAM WAL Electric could serve your planned development area which lies west of the Railroad Tracks between 20th street and the Highway #12 Bridge.

At this time MDU is not in the position to give up this territory to CAM WAL Electric, but still look forward to working with you in getting electric power and gas to this new development area. Our policies, rules, regulations and rates as a regulated utility differ then those of the REC's but are fair and uniform throughout our service area.

Until we know which lots are being planned for initial development or if service is required throughout the entire development the Aid to Construction costs aren't definite. We will be looking forward to working with you on this Development Project.

Sincerely;



Dennis Schnabel

cc: Bruce Brekke, Mobridge

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT)	ORDER FINDING NO
FILED BY JIM SCHIRBER, HERMOSA,)	PROBABLE CAUSE, DISMISSING
SOUTH DAKOTA, AGAINST MONTANA-)	COMPLAINT AND CLOSING
DAKOTA UTILITIES REGARDING)	DOCKET
TRANSFER OF ELECTRIC SERVICE)	EL97-006

On March 17, 1997, the Public Utilities Commission (Commission) received a Complaint filed by Jim Schirber (Schirber), Hermosa, South Dakota, against Montana-Dakota Utilities (MDU) regarding transfer of electric service. The complaint states "We wish to have our property between 20th Street and US 12 bridge and west of the railroad tracks serviced by Cam Wal. All our adjacent property is presently serviced by Cam Wal and they will provide this new service without a hook-up charge. I requested transfer of the service from MDU but they refused." MDU states "At this time MDU is not in the position to give up this territory to Cam Wal Electric, but still look forward to working with you in getting electric power and gas to this new development area. Our policies, rules, regulations and rates as a regulated utility differ then those of the REC's but are fair and uniform throughout our service area."

On May 13, 1997, at its duly noticed meeting, the Commission reviewed the Complaint as well as comments of MDU. Mr. Schirber did not appear.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-34A, specifically 49-34A-58, and ARSD 20.10.01.08.01 and 20.10.01.09.

The Commission unanimously voted to find no probable cause of an unlawful or unreasonable act, rate, practice, or omission on the part of MDU and to dismiss the Complaint and close the docket. The Commission found that there was no allegation that MDU would provide inadequate service. As the Commission's final decision in this matter, it is therefore

ORDERED that the Commission does not find probable cause of an unlawful or unreasonable act, rate, practice or omission and therefore the Complaint is dismissed and docket EL97-006 is hereby closed.

Dated at Pierre, South Dakota, this 21st day of May, 1997.

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 Michelle Kiebo

Date 5/22/97

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner