

EL 98-018

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DOCKET NO.

W. L. ...

In the Matter of - IN THE MATTER OF THE COMPLAINT
FILED BY JUDY MATHISON, SIOUX
FALLS, SOUTH DAKOTA AGAINST
NORTHERN STATES POWER
COMPANY REGARDING
DISCONNECTION

Public Utilities Commission of the State of South Dakota

DATE

MEMORANDA

DATE	MEMORANDA
<i>6/22/98</i>	<i>Received;</i>
<i>7/16/98</i>	<i>Reopened;</i>
<i>8/15/98</i>	<i>Order Denying No Probable Cause, Dismissing Complaint and ^{Reopened} Closing</i>
<i>8/10/98</i>	<i>Recket Closed.</i>

On June 1, 1998 I moved to 2400 S. West Ave. Shortly before this my married daughter Querida Johnson came to stay with us. Her husband had left her and their 18 month old son, and filed for divorce. She had no money and nowhere to go. Apparently a large bill with NSP in the name of Troy A. Johnson and Querida Johnson was left unpaid from their previous address of 1815 S. 5th Ave. Suddenly and without any notice on June 11, my electric service was disconnected. My 21 year old son was on the computer at the time and called NSP to determine what had happened. He was told that they were informed by our landlord that Querida Johnson was living at this address and that because of her and her husband's past due account of \$428.00, our power was turned off. They also told him very rudely that he or I would have to pay her past due account in order to have my power restored.

Although Querida was staying at this address at the time, she had no intention of living with me. Her condition was desperate, but she was currently making other living arrangements. All of her belongings were put in storage, except for clothes and personal items for her and the baby. In fact, at this time she had already put a deposit on an apartment listed with Sioux Falls Housing. Her new landlord was coincidentally the same as mine. NSP had called Mr. Alton Nies and asked where to find Querida Johnson. He told them she was living with her mother at 2400 S. West Ave. My son called me at work to give me this news. I called NSP and was given this same information. I asked "Does this mean that I must throw my daughter and grandson out in the street in order to have my power restored?" Their words were: "Querida owes us a great deal of money. Here (2400 S. West Ave.) she is receiving free electricity." My reply was: "No one receives free electricity. I pay the bill here." Their further response was: "Unless Querida takes her belongings, in the presence of our collector, and gives him an address to which she is going, we will not reconnect your service."

After much thought and anguish, on the advice of a workmate who is a paralegal, I called NSP a second time and asked: "By what legal right can you disconnect my service without notice for a bill that is not mine?" I got nowhere. Their comment: "We will not argue with you. We will not resume service." So I told them I would be in touch with a lawyer. I called Mr. Leo T. Flynn, who called NSP and they refused to talk to him at all. He made numerous long distance phone calls and later that day returned my call to inform me that I would receive a call that evening from someone on the Public Utilities Commission in Pierre, South Dakota.

The Commissioner, Bill Bullard, asked me if I didn't have a disconnect notice from my previous address of 511 W. 19th St., as this is what NSP told him was the reason for disconnection. I told him I did not. In fact, the very day the power was shut off, I received my final bill from that address; \$179.91 due 6-26-96. (Copy Enclosed) The following day my friend, who suggested I call an attorney, informed me that Mr. Flynn was told by the Commissioner that NSP was upset about an old unpaid bill I had as owner and operator of a business.

I have never had a business anywhere. I did not have a disconnection notice. In addition, since both my daughter and her husband are of legal age, I am not responsible for their debts. The fact that NSP allowed Troy and Querida Johnson to run up a bill in excess of \$400 is their problem. Why did they choose to hold Querida entirely responsible for this debt, rather than Troy, who has been the only one of the two employed since their child's birth while Querida stayed home with the baby? Out of compassion for my daughter and grandson, I allowed them to stay with me while making other living arrangements. Where is the legal right that caused my service to be disrupted for such illogical excuses?

Relief Sought:

1. I will not under any circumstances pay reconnect charges.
2. With knowledge that Troy Johnson is making payments for their old bill, allow my daughter, Querida Johnson, electric service at her new address with no deposit required.
3. To cover spoiled food, and for having to feed my family by going out to eat, I want to be reimbursed \$100.00.
4. Cover any fees charged by Mr. Leo T. Flynn, the attorney consulted.
5. For the anguish and distress caused myself and my family, I want no less than \$500.00.

To: [Redacted]
From: [Redacted]
Fax Number: (605) 773-3809
Date: 07/27/00 Time: 4:12:20

From: Lenl Healy
Company: South Dakota PUC
Fax Number: 605.773.3809
Pages including cover page: 6

Message:

We have received the following formal complaint from Judy Mathison. Commission policy allows a 30-day period in which the parties may attempt an informal resolution.

If an agreement is reached before noon on July 1st, please inform this Commission. If no resolution is reached, the issue will be docketed and scheduled for a Commission meeting.

Thank you.

THIS COMMUNICATION IS EXTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS. If you are not the intended recipient or the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any distribution, use or copying of this communication is prohibited.

South Dakota Public Utilities Commission
State Capitol Building, Pierre SD 57501
Telephone: (605) 773-3201 Fax: (605) 773-3809

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JUL 22 1998

EL 98-018

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION



Northern States Power Company
South Dakota

Jini Wilcox, Manager,
Community & Government Relations
500 West Russell Street
P.O. Box 858
Sioux Falls, SD 57101-0858
Telephone (605) 339-8350 fax 339-8204
email wjcoj01@nspco.com

July 21, 1998

Mr. William Bullard, Executive Director
South Dakota Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, South Dakota 57501-5070

Dear Mr. Bullard:

Re: Judy Mathison Complaint Case

Ms. Mathison's disconnection was not because of any amount of money owed by Ms. Querida Johnson. Rather Ms. Mathison was refused service for non payment of her own account at a previous address.

On November 27, 1997 a Judy Mathison established service with NSP at 511 W. 19th Street in Sioux Falls, SD. Attached is a report detailing the history of usage, billing and payments by Ms. Mathison at this address.

On April 27, 1998 NSP mailed a disconnection notice to Ms. Mathison at 511 W. 19th St. NSP has no record of this disconnection notice being returned by the U.S. Postal Service as undeliverable.

On June 3, 1998 an NSP Collector was working to find Mr. Troy Johnson and Ms. Querida Johnson formerly of 1818 S. 5th Street. The owner of that building provided 2400 E. West Av. as the forwarding address for Ms. Querida Johnson. NSP contacted Ms. Johnson there and learned that Ms. Judy Mathison was the responsible party at this address.

Ms. Mathison had not attempted to establish service at this address and having discovered that Ms. Mathison owed approximately \$180 from a previous address NSP refused to establish service with Ms. Mathison and disconnected the residence at 2400 E. West Av.

Pending resolution of this complaint proceeding, NSP reconnected Ms. Mathison the next day.

On June 29, 1998 Ms. Mathison paid the outstanding balance owed of \$179.91. Ms. Mathison is receiving service from NSP. No dispute exists between NSP and Ms. Mathison, therefore NSP believes the Commission has no jurisdiction in this matter.

Respectfully,



Jim Wick

cc: Judy Mathison
Karl Larson
Dave Gards
Leo Flynn



Customer Information

Account established with NIP at 511 W. 10th St., SF, SD on November 27, 1987.
 Following is Mr. Anderson's billing and payment history from that date:

Billing Period	Usage kWh	Rate	Payment	Payment Date	Balance
December 27, 1987	Commission Charge	\$	\$12.72		\$12.72
December 27, 1987	to December 25, 1987	089 \$	\$51.78		\$64.50
January 27, 1988	late payment charge	\$	\$0.84		\$65.04
January 27, 1988	to January 25, 1988	700 \$	\$54.69		\$119.73
			\$64.50	January 28, 1988	\$55.23
February 25, 1988	late payment charge	\$	\$0.57		\$55.80
February 25, 1988	to February 24, 1988	050 \$	\$40.64		\$106.44
March 24, 1988	late payment charge	\$	\$1.10		\$106.54
March 24, 1988	to March 24, 1988	597 \$	\$44.68		\$151.22
April 27, 1988	late payment charge	\$	\$1.58		\$152.80
April 27, 1988	to April 27, 1988	614 \$	\$47.12		\$199.92
			\$100.00	April 29, 1988	\$99.92
May 27, 1988	late payment charge	\$	\$1.03		\$100.95
May 27, 1988	to May 27, 1988	091 \$	\$37.80		\$138.75
May 27, 1988	to May 30, 1988	127 \$	\$11.16		\$179.91

Account established with NIP at 2400 S. West Ave., SF, SD retroactive to and effective June 1, 1988.
 Following is Mr. Anderson's billing and payment history from that date:

Billing Period	Usage kWh	Billing	Payment	Payment Date	Balance
June 15, 1988	Transfer from 511 W. 10th St.		\$179.91		\$179.91
June 15, 1988	Commission Charge	\$	\$12.72		\$192.63
June 15, 1988	to June 15, 1988	016	\$51.91		\$244.54
			\$179.91	June 29, 1988	\$64.63

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

IN THE MATTER OF THE COMPLAINT)	ORDER FINDING NO)
FILED BY JUDY MATHISON, SIOUX FALLS,)	PROBABLE CAUSE, DISMISSING)
SOUTH DAKOTA, AGAINST NORTHERN)	COMPLAINT AND CLOSING)
STATES POWER COMPANY REGARDING)	DOCKET)
DISCONNECTION)	EL98-018)

On Aug 22, 1998, the Public Utilities Commission (Commission) received a complaint filed by Judy Mathison, Sioux Falls, South Dakota, against Northern States Power Company (NSP) regarding disconnection. The complainant states that her electricity was disconnected, without cause, because her daughter stayed with her while making other living arrangements. The daughter had paid over \$420.00 to NSP at a previous address. The complainant sought the following: no reconnection charges. With knowledge that daughter's husband is making payments for their current daughter electric service at her new address with no deposit. Reimbursement of \$100 to cover unpaid funds and having to get out. Cover legal fees charged. No less than \$500 for the length and distress caused. The Commission also received a letter from NSP stating that disconnection was not due to nonpayment of her daughter but due to nonpayment of complainant's bill at her previous address. NSP also states that "Ms. Mathison paid the outstanding balance" and "is receiving service from NSP." As a result, NSP suggests that the Commission close jurisdiction because a dispute between complainant and NSP no longer existed.

On July 23, 1998, at its duly noticed meeting, the Commission reviewed the complaint as well as comments from NSP and complainant.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-20A, specifically 49-20A-5B, 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 NSP and to dismiss the complaint and close the docket. The Commission found that since complainant paid her outstanding bill and was currently receiving service from NSP that no dispute existed between the parties. The Commission concluded that it did not have jurisdiction to award complainant monetary damages for legal fees or pain and suffering. 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 EL98-018 is hereby closed.

Dated at Pierre, South Dakota, this 5th day of August, 1998.

<p>CERTIFICATE OF SERVICE</p> <p>The undersigned hereby certifies that this document has been served today upon all parties as named on this docket, as listed on the docket herein and by electronic or by first class mail as provided elsewhere hereon, with charges prepaid thereon.</p> <p><i>[Signature]</i></p> <p>on <u>8/16/98</u></p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

[Signature]
 JAMES A. BURG, Chairman

[Signature]
 PAM NELSON, Commissioner

[Signature]
 LASKA SCHOENFELDER, Commissioner