

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

IN THE MATTER OF THE COMPLAINT FILED)	FINDINGS OF FACT AND
BY ANGELIA QUALLS, SIOUX FALLS, SOUTH)	CONCLUSIONS OF LAW;
DAKOTA, AGAINST NORTHERN STATES)	NOTICE OF ENTRY OF
POWER COMPANY REGARDING PREVIOUS)	ORDER
ACCOUNT BALANCES)	EL97-023

On December 10, 1997, the South Dakota Public Utilities Commission (Commission) received a complaint from Angelia Qualls, 125 S. Conklin #5, Sioux Falls, South Dakota against Northern States Power Company (NSP) regarding unpaid balances on her account. In the complaint, Ms. Qualls stated that her name was added to utility bills by a person with whom she was cohabitating, that the name used was not her actual name, that certain arrearages have occurred in the account and that NSP is now trying to collect these arrearages from her. Ms. Qualls requested the Commission to determine the merits of her complaint and that NSP not disconnect the electric service until such time as the complaint is resolved.

On December 18, 1997, at its regularly scheduled meeting, the Commission considered the matter along with comments from Ms. Qualls and NSP. The Commission found probable cause of an unlawful or unreasonable act, rate, practice, or omission and served the complaint on NSP (Commissioner Schoenfelder, dissenting). NSP filed its response on January 27, 1998. By order dated March 19, 1998, the Commission set the hearing for March 30, 1998, in Sioux Falls, South Dakota. The hearing was held as scheduled.

At its May 12, 1998, meeting, the Commission considered this matter. The Commission voted to find that NSP had committed an unreasonable act by attempting to make Ms. Qualls responsible for the electric bill incurred at 1808 and 1808½ South Hawthorne Avenue in Sioux Falls (Commissioner Schoenfelder, dissenting).

Based on the evidence received at the hearing, the Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On December 10, 1997, Ms. Qualls filed a complaint with the Commission against NSP regarding unpaid balances on her account. Exhibit 1.
2. Ms. Qualls currently lives at 125 S. Conklin #5, Sioux Falls, South Dakota. Exhibit 1. Around December 8, 1997, Ms. Qualls found a notice from NSP left in her door. Tr. at 9, 51. The notice stated that she owed around \$1500.00 to NSP for electric bills incurred at four different addresses in Sioux Falls. Tr. at 23. Later, after showing she had never lived at some of those addresses, the bill was reduced to \$507.73. Tr. at 23-24.
3. The amount of \$507.73 was for a bill for electricity incurred at 1808 and 1808½ South Hawthorne Avenue in Sioux Falls from March 22, 1997, to October 11, 1997. Tr. at 22; Exhibit 3, page 7.
4. Ms. Qualls moved in with Dwayne Brittingham into the house located at South Hawthorne Avenue in March of 1997, and left in October of 1997. Tr. at 18-19.
5. In July of 1997, Ms. Qualls saw the name "Angelia Brittingham" on the NSP bill and asked Dwayne Brittingham to call NSP and remove that name. Tr. at 20-21. She stated that Mr. Brittingham had indicated that he was responsible for the electric bill at the South Hawthorne address. Tr. at 34-35.

6. The name of "Angelia Brittingham" was placed on the bill at the request of Dwayne Brittingham. Tr. at 68. Ms. Qualls was never married to Mr. Brittingham nor did she ever use the name "Angelia Brittingham." Tr. at 31, 41.

7. When a customer contacts NSP for service, an NSP representative asks whether there are any other adults living in the home. Tr. at 88. The customer is not told that any named adults will be listed in NSP's records as financially responsible for any bills incurred at the address unless a customer specifically asks that question. Id.

8. The Commission finds that an "Angelia Brittingham" was listed on the South Hawthorne Avenue bill as a responsible party. Ms. Qualls' name was never "Angelia Brittingham," nor did she go by that name. Moreover, Ms. Qualls did not request that her name be placed on the bill. For these reasons, the Commission finds that Ms. Qualls is not responsible for the bill incurred at 1808 and 1808½ South Hawthorne Avenue and that NSP committed an unreasonable act in attempting to make her responsible for the bill.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this matter pursuant to SDCL 49-34A, 49-34A-3, 49-34-A-4, 49-34A-6, and 49-34A-27 and ARSD 20:10:01:08.01 and 20:10:01:09.

2. The Commission finds that Ms. Qualls is not responsible for the bill incurred at 1808 and 1808½ South Hawthorne Avenue and that NSP committed an unreasonable act in attempting to make her responsible for the bill.

It is therefore

ORDERED, that Ms. Qualls is not responsible for the bill incurred at 1808 and 1808½ South Hawthorne Avenue and that NSP committed an unreasonable act in attempting to make her responsible for the bill.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that this Order was duly entered on the 1st day of June, 1998. Pursuant to SDCL 1-26-32, this Order will take effect 10 days after the date of receipt or failure to accept delivery of the decision by the parties.

Dated at Pierre, South Dakota, this 1st day of June, 1998.

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:	<u>Delaine Kaabo</u>
Date:	<u>6/1/98</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

LASKA SCHOENFELDER, dissenting