

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

IN THE MATTER OF THE COMPLAINT) FILED BY JIM SCHIRBER, HERMOSA,) SOUTH DAKOTA, AGAINST MONTANA-) DAKOTA UTILITIES REGARDING) TRANSFER OF ELECTRIC SERVICE)	ORDER FINDING NO PROBABLE CAUSE, DISMISSING COMPLAINT AND CLOSING DOCKET EL97-006
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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: <u><i>Delaine Kalbo</i></u>
Date: <u>5/22/97</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

<u><i>James A. Burg</i></u> JAMES A. BURG, Chairman
<u><i>Pam Nelson</i></u> PAM NELSON, Commissioner
<u><i>Laska Schoenfelder</i></u> LASKA SCHOENFELDER, Commissioner