

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER FOR AND NOTICE</b>
<b>BY DOUGLAS L. KUPER, LENNOX, SOUTH )</b>	<b>OF HEARING AND SETTING</b>
<b>DAKOTA, AGAINST LINCOLN-UNION )</b>	<b>A PROCEDURAL</b>
<b>ELECTRIC COMPANY REGARDING STRAY )</b>	<b>SCHEDULE</b>
<b>VOLTAGE )</b>	<b>EL98-005</b>

On March 6, 1998, the South Dakota Public Utilities Commission (Commission) received a complaint from Douglas L. Kuper (Kuper), Lennox, South Dakota, against Lincoln-Union Electric Company (Lincoln-Union) regarding stray voltage. In an Order dated April 28, 1998, the Commission made a finding of probable cause of an unlawful or unreasonable act, rate, practice or omission by Lincoln-Union. Lincoln-Union filed an Answer dated May 18, 1998. Lincoln-Union by motion dated July 16, 1998, moved to dismiss the complaint of Kuper. A hearing on the motion to dismiss was held by the Commission on July 23, 1998, via teleconference. On August 4, 1998, the Commission voted to deny the motion to dismiss, Commissioner Burg dissenting. An Order to that effect was entered on August 14, 1998.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 1-26, 49-34A-58, and ARSD 20:10:08.01 et seq.

The issue at the hearing is whether Lincoln-Union has committed an unlawful or unreasonable act, rate, practice or omission.

A hearing shall be held commencing at 1:30 P.M., on Tuesday, December 15, 1998, and continuing through December 18, 1998, at the County Commissioner Room, County Administration Building, located at 415 North Dakota Avenue, Sioux Falls, South Dakota. It shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearings or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. The Commission's decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED that a hearing shall be held at the time and place specified above on the issue of whether Lincoln-Union committed an unlawful or unreasonable act, rate, practice or omission.

Lincoln-Union has requested that the Commission order its staff to make an onsite inspection of Kuper's farmstead and to investigate certain electric issues. The Commission will not enter such an order; however, Commission staff operates independent of the Commission and is free to do such inspections, tests or other discovery work it wishes and the Commission defers to its staff as to what staff deems necessary.

Lincoln-Union has requested mediation between itself and Kuper. The Commission encourages the parties to mediate and suggests that if the parties wish to do so and want a mediator from the staff of the Commission, that they contact William Bullard, Jr., the Executive Director who, without participation from the Commission or its advisory staff, will arrange for a mediator.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 31 day of August, 1998.

<b>CERTIFICATE OF SERVICE</b>	
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>Alaine Kales</u>
Date:	<u>8/31/98</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:  
Commissioners Burg, Nelson and  
Schoenfelder

William Bullard, Jr.  
WILLIAM BULLARD, JR.  
Executive Director