

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER DISMISSING</b>
<b>BY DOUGLAS L. KUPER, LENNOX, SOUTH )</b>	<b>COMPLAINT AND CLOSING</b>
<b>DAKOTA, AGAINST LINCOLN-UNION )</b>	<b>DOCKET</b>
<b>ELECTRIC COMPANY REGARDING STRAY )</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. A prehearing conference was scheduled for December 4, 1998, with the hearing scheduled for December 15, 1998, in Sioux Falls, South Dakota. Prior to the prehearing conference Mr. Kuper faxed a letter to the Commission Staff stating that there was no need to proceed with the hearing. Mr. Kuper was not present for the prehearing conference. The Commission decided to defer the matter to clarify the intent of Mr. Kuper to dismiss the complaint. On December 4, 1998, Mr. Kuper faxed a letter to the Commission stating, "I, Douglas L. Kuper withdraw my complaint against Lincoln-Union Electric Co. That the Commission will receive reports from Lincoln-Union Electric at various times." At its regularly scheduled meeting of December 7, 1998, Mr. Kuper confirmed that he wished to withdraw his complaint and have the Commission dismiss it without prejudice. The Commission voted unanimously to dismiss the complaint without prejudice and close the docket. The Commission also ordered that Staff's final report be filed in the docket and that an ongoing power review continue through the summer of 1999.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 1-26, 49-34A-58, and ARSD 20:10:01:08.01 et seq. It is therefore

ORDERED that the complaint shall be dismissed without prejudice and the docket will be closed. It is further

ORDERED that Staff's final report be filed in the docket and that an ongoing power review continue through the summer of 1999.

Dated at Pierre, South Dakota, this 30<sup>th</sup> day of December, 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>Alldine Kalbo</u>
Date: <u>12/30/98</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner

Laska Schoenfelder  
LASKA SCHOENFELDER, Commissioner