

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

**IN THE MATTER OF THE COMPLAINT FILED)
BY DOUGLAS L. KUPER, LENNOX, SOUTH)
DAKOTA, AGAINST LINCOLN-UNION)
ELECTRIC COMPANY REGARDING STRAY)
VOLTAGE)**

**ORDER FINDING
PROBABLE CAUSE AND
NOTICE REQUIRING
ANSWER
EL98-005**

On March 6, 1998, the Public Utilities Commission (Commission) received a complaint from Douglas L. Kuper, Lennox, South Dakota (Complainant) against Lincoln-Union Electric Company (Lincoln-Union) regarding stray voltage. In the complaint, Complainant states that Lincoln-Union "has been and still is negligent in fixing the stray voltage that has ruined my dairy herd and livestock operation. It has been found to be coming from the down grounds on the poles and is leaking or crossing my farm. By this expert engineers and a physics professor have found the problem to be Lincoln-Union's through numerous tests and also by myself. . . It has also been felt in our house when taking a shower or bath." Mr. Kuper is requesting the Commission to order Lincoln-Union to update the system.

Pursuant to ARSD 20:10:01:08.01 and 20:10:01:09, if a complaint cannot be settled without formal action, the Commission shall determine if the complaint shows probable cause of an unlawful or unreasonable act, rate, practice or omission to go forward with the complaint.

On April 9, 1998, at its regularly scheduled meeting, the Commission considered the matter along with comments from Complainant and Lincoln-Union.

The Commission has jurisdiction over this matter pursuant to SDCL 49-34A and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission voted to find probable cause (Commissioner Burg, dissenting). It is therefore

ORDERED, that probable cause has been found in this matter and that the complaint shall be forwarded to Lincoln-Union and Lincoln-Union shall file with the Commission its answer in writing within twenty (20) days of service of this order. It is further

ORDERED, that Lincoln-Union provide to the Commission copies of any pleadings, stipulations, or judgments that were filed in the prior circuit court cases involving this matter.

Dated at Pierre, South Dakota, this 28th day of April, 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><i>Debbie Kelbo</i></u>
Date: <u>4/29/98</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman, dissenting

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner