

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

IN THE MATTER OF THE COMPLAINT FILED) BY ADAM HEADRICK, SIOUX FALLS, SD,) AGAINST MIDAMERICAN ENERGY COMPANY) REGARDING A BILL)	ORDER REQUIRING PAYMENT; NOTICE OF ENTRY OF FINAL ORDER NG97-006
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On May 2, 1997, the South Dakota Public Utilities Commission (Commission), received a complaint from Adam Headrick, Sioux Falls, SD, against MidAmerican Energy Company (MidAmerican) regarding a bill for services which Mr. Headrick claims he did not receive. According to the complaint, MidAmerican charged Mr. Headrick for natural gas services which were incurred at Mr. Headrick's previous address after he had notified MidAmerican to disconnect services and he had moved from that address. Mr. Headrick asked the Commission to remove his name from the account at the old address.

At its regularly scheduled May 13, 1997, meeting, the Commission found probable cause of an unlawful or unreasonable act, rate, practice or omission and served the complaint on MidAmerican. MidAmerican filed its response on June 11, 1997.

In its Order for and Notice of Hearing dated June 30, 1997, the Commission set the hearing for 11:00 a.m., on Monday, July 14, 1997, at the Embassy 1 Room in the Holiday Inn City Centre, 100 W. 8th Street, Sioux Falls, SD. The issue at the hearing was whether Mr. Headrick provided MidAmerican notice in July of 1996 to disconnect service at 834 S. Minnesota, Sioux Falls, South Dakota. The hearing was held as scheduled. Following the hearing, briefs were submitted by the parties.

At its October 28, 1997, meeting, the Commission found that Mr. Headrick had failed to provide MidAmerican notice that he wanted to disconnect service at 834 S. Minnesota, Sioux Falls, South Dakota, and ruled in favor of MidAmerican. Based on the evidence and testimony presented at the hearing, the Commission makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

I

Adam Headrick rented a residence located at 834 S. Minnesota around May 1, 1996, and moved out around the middle of July, 1996. Tr. at 10. He signed a one year lease starting May 1, 1996. Id.; Plaintiff's Exhibit A. He moved to 619 West 13th Street with his roommate, Mark Hammar. Tr. at 11. Mr. Hammar requested service at their new address. Tr. at 22.

II

The natural gas service provided by MidAmerican to 834 S. Minnesota Avenue was in Mr. Headrick's name. Tr. at 12. Mr. Headrick cannot remember whether he called

MidAmerican to tell them he was moving. Tr. at 14. Since he was breaking the lease at 834 South Minnesota, he and his landlords agreed that he would be responsible for paying the bills until someone else moved in, including the rent and utilities. Tr. at 23-24.

III

A new tenant moved into the residence at 834 S. Minnesota Avenue in July and Mr. Headrick was reimbursed for part of the July rent by the landlords. Tr. at 24-25. There was no agreement between Mr. Headrick and the landlords as to how the utility companies would be notified that a new tenant had moved in. Tr. at 25.

IV

The amount of the final bill for 834 S. Minnesota is \$479.01. Defendant's Exhibit 15; Tr. at 78.

V

Anthony Loyd called to establish service at 834 S. Minnesota on December 6, 1996, and on February 7, 1997. Defendant's Exhibits 8 and 16; Tr. at 80-81. He was told to go to the local office with identification and a lease due to the fact that there was an unpaid bill at that address and MidAmerican needed proof that Mr. Headrick was not still living at that address. Tr. at 80. There was no record that Mr. Loyd presented any identification or lease to MidAmerican. Tr. at 81. Thus, MidAmerican continued to bill the natural gas used at 834 S. Minnesota to Mr. Headrick.

VI

Mr. Headrick learned on February 27, 1997, that he had an outstanding bill for 834 S. Minnesota. Tr. at 18.

VII

The Commission finds that the evidence fails to show that MidAmerican was notified prior to February 27, 1997, that Mr. Headrick wanted the natural gas service provided at 834 S. Minnesota to no longer be in his name. Due to this lack of notification, Mr. Headrick is responsible for the natural gas used at 834 S. Minnesota through February 27, 1997, for an amount of \$479.01.

CONCLUSIONS OF LAW

I

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

The Commission concludes that a customer is responsible for notifying MidAmerican when that customer wants to discontinue service at a certain address. The Commission concludes that due to the failure of Mr. Headrick to notify MidAmerican that he wanted his name removed from the account at 834 S. Minnesota until February 27, 1997, he is responsible for the \$479.01 bill incurred at that address.

It is therefore

ORDERED that Mr. Headrick is responsible for the bill of \$479.01 incurred at 834 S. Minnesota.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that this Order was duly entered on the 18th day of November, 1997. 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 18th day of November, 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>Melaine Kaabo</u>
Date:	<u>11/18/97</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