

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED BY DARRELL SEEMAN, SIOUX FALLS, SD, AGAINST MIDAMERICAN ENERGY COMPANY REGARDING TRANSFERRING UNPAID BALANCES TO HIS ACCOUNT))))	ORDER FOR AND NOTICE OF HEARING NG97-017
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On October 10, 1997, the Public Utilities Commission (Commission) received a complaint filed by Darrell Seeman (Complainant), Sioux Falls, SD, against MidAmerican Energy Company (MidAmerican). The complaint concerns billings for natural gas service incurred at three separate residences, two of which are rental properties owned by Complainant located in Sioux Falls, SD. The Complainant stated: "MidAmerican Energy transferred gas bills over on two rental properties owned by myself and others to myself at my business address then transferred the bills to my home account, 1808 Edgewood Road. On October 9, 1997, the gas was shut off at Edgewood Road." The Complainant requests that the gas be turned back on and that the utility not be allowed to transfer bills to his home account.

At its regularly scheduled October 28, 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 November 26, 1997.

The Commission has jurisdiction over this matter pursuant to SDCL 1-26-18, 1-26-19, 1-26-25, 49-34A-4, and ARSD 20:10:01:15, 20:10:01:15.01, 20:10:20:03, and 20:10:20:08.

The issues at the hearing are whether MidAmerican's actions in transferring the gas bills from the rental properties owned by Mr. Seeman to Mr. Seeman's home account were an unlawful or unreasonable act, rate, practice, or omission; and, whether Mr. Seeman should be held responsible for the gas bills for rental properties owned by him.

A hearing shall be held at 11:00 a.m., on Friday, January 30, 1998, in the County Commissioners' Meeting Room, 2nd Floor, 415 North Dakota (Old Courthouse), 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 hearing 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. As a result of the hearing, the Commission may find that MidAmerican's actions in transferring

the gas bills from the rental properties owned by Mr. Seeman to Mr. Seeman's home account were an unlawful or unreasonable act, rate, practice, or omission and that Mr. Seeman was not responsible for gas bills at rental properties owned by him. 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 issues of whether MidAmerican's actions in transferring the gas bills from the rental properties owned by Mr. Seeman to Mr. Seeman's home account were an unlawful or unreasonable act, rate, practice, or omission; and, whether Mr. Seeman should be held responsible for the gas bills at rental properties owned by him.

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 20th day of January, 1998.

CERTIFICATE OF SERVICE

BY ORDER OF THE
COMMISSION:

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.

Commissioners Burg, Nelson and
Schoenfelder

By: _____

Date: _____

WILLIAM BULLARD, JR.

(OFFICIAL SEAL)

Executive Director