

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

IN THE MATTER OF THE COMPLAINT FILED )  
BY THOMAS THOMPSON, SIOUX FALLS, )  
SOUTH DAKOTA, AGAINST NORTHERN )  
STATES POWER COMPANY REGARDING )  
POOR SERVICE )

ORDER FINDING NO  
PROBABLE CAUSE AND  
CLOSING DOCKET  
CE99-003

On July 26, 1999, the South Dakota Public Utilities Commission (Commission) received a complaint from Thomas Thompson, Sioux Falls, South Dakota (Complainant), against Northern States Power Company (NSP) regarding poor service. Complainant alleges that when a utility line was severed during construction, he called NSP and NSP did not respond in a timely manner.

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 August 17, 1999, at its regularly scheduled meeting, the Commission considered the matter along with comments from NSP'S counsel, Neil Fulton and Staff counsel, Camron Hoseck. Commission Staff recommended a finding of no probable cause and further advised of its position that the Commission lacked jurisdiction to determine claims for monetary damages against NSP in this docket.

The Commission generally has jurisdiction over this matter pursuant to SDCL 49-34A and ARSD 20:10:01:08.01 and 20:10:01:09; however, it lacks jurisdiction to determine claims for monetary damages against NSP in this docket. The Commission unanimously voted to find no probable cause, to dismiss the complaint and close the docket. It is therefore

ORDERED, that probable cause has not been found in this matter and that the complaint shall be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 26<sup>th</sup> day of August, 1999.

<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><i>Alvin Kalko</i></u>
Date: <u>8/30/99</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