

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

IN THE MATTER OF THE COMPLAINT FILED ) BY PATSY ALLYN, PEEVER, SOUTH ) DAKOTA, AGAINST OTTER TAIL POWER ) COMPANY REGARDING BILLING AND TREE ) DAMAGE )	ORDER CANCELLING HEARING  CE02-001
---	---

On April 1, 2002, the Public Utilities Commission (Commission) received a complaint filed by Patsy Allyn, Peever, South Dakota (Complainant), against Otter Tail Power Company (Otter Tail) regarding billing and tree damage.

On April 2, 2002, the complaint was faxed to Otter Tail. Pursuant to ARSD 20:10:01:09, Otter Tail was notified that it must satisfy the complaint or file an answer in writing with the Commission by April 22, 2002. On April 22, 2002, the Commission received an answer from Otter Tail. On April 26, 2002, the Commission received a response from Complainant.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-34A, specifically 49-34A-2, 49-34A-2.1, 49-34A-3, 49-34A-4, 49-34A-9, 49-34A-10, 49-34A-26, 49-34A-27, 49-34A-39, 49-34A-40, and 49-34A-58.

By order dated April 24, 2002, a hearing was scheduled for May 9, 2002, beginning at 8:30 A.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. On May 2, 2002, the Commission received a motion to continue hearing to allow meter testing pursuant to tariff and for an order requiring Complainant to remove a lock from respondent's meter socket from Otter Tail, so therefore the hearing is cancelled. It is therefore

ORDERED, that the hearing scheduled for May 9, 2002, is cancelled and a new hearing shall be set at a later time.

Dated at Pierre, South Dakota, this 6<sup>th</sup> day of May, 2002.

<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>Relaine Kaelbo</i></u>
Date: <u>5/6/02</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*James A. Burg*  
JAMES A. BURG, Chairman

*Pam Nelson*  
PAM NELSON, Commissioner

*Robert K. Sahr*  
ROBERT K. SAHR, Commissioner