

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

IN THE MATTER OF THE COMPLAINT FILED) BY KRISTIN BOXWELL, SIOUX FALLS,) SOUTH DAKOTA, AGAINST XCEL ENERGY) REGARDING XCEL ENERGY'S REFUSAL TO) ENTER INTO A PAYMENT ARRANGEMENT) POST-DISCONNECTION))	ORDER GRANTING MOTION TO DISMISS CE04-001
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On July 21, 2004, the Public Utilities Commission (Commission) received a complaint filed by Kristin Boxwell, Sioux Falls, South Dakota (Complainant), against Xcel Energy (Xcel) regarding Xcel Energy's refusal to enter into a payment arrangement post-disconnection.

On July 27, 2002, the complaint was faxed to Xcel. Pursuant to ARSD 20:10:01:09, Xcel was notified that it must satisfy the complaint or file an answer in writing with the Commission by August 16, 2002. On August 16, 2004, the Commission received an answer and motion to dismiss from Xcel.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-34A.

On August 31, 2004, at a regularly scheduled meeting, the Commission considered this matter. Neither Kristin Boxwell nor her attorney were present for the meeting. The Commission voted to grant the motion to dismiss on the grounds that the complaint failed to state a claim for which the Commission may grant relief. It is therefore

ORDERED, that Xcel's motion to dismiss shall be granted.

Dated at Pierre, South Dakota, this 7th day of September, 2004.

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>Delaine Kolbo</u>
Date: <u>9/7/04</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

James A. Burg
JAMES A. BURG, Commission