

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

IN THE MATTER OF THE COMPLAINT FILED)
BY BRUCE ITTERMAN, HARRISBURG, SD,)
AGAINST MIDAMERICAN ENERGY COMPANY)
REGARDING A GAS BILL)

ORDER FINDING
PROBABLE CAUSE AND
NOTICE REQUIRING
ANSWER
NG97-009

On June 16, 1997, the Public Utilities Commission (Commission) received a complaint filed by Bruce Itterman, (Complainant), Harrisburg, SD, against MidAmerican Energy Company (MidAmerican). The complaint concerns billings for natural gas service incurred during the period November 1996 to January 1997, for rental property owned by Complainant located in Sioux Falls, SD. The complainant stated when he received a gas bill for the rental property he called MidAmerican and requested the bill to be put in the tenant's name or in the alternative have the gas turned off. Both requests were denied by MidAmerican. Complainant feels he is not responsible for the gas bill for the rental property because the lease agreement signed by the tenant stated that the tenant is responsible for paying for gas service. Further, Complainant asks that MidAmerican honor leases because they are legally binding contracts.

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 July 15, 1997, at its duly noticed meeting, the Commission reviewed the complaint.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-34A-2, 49-34A-4, and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission voted unanimously to find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:08.01 and 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and that the complaint shall be forwarded to MidAmerican and MidAmerican shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 29th day of July, 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><i>Debbie Kalbo</i></u>
Date: <u>7/29/97</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