

EL98-019

610-8673

cm/ok

EL 98-019

DOCKET NO. _____

To the Matter of _____

IN THE MATTER OF THE COMPLAINT
FILED BY ROB THORSON, BRANDON,
SOUTH DAKOTA, AGAINST
NORTHWESTERN PUBLIC SERVICE
COMPANY REGARDING
REIMBURSEMENT FOR EXPENSES
INCURRED

Public Utilities Commission of the State of South Dakota

DATE

MEMORANDA

2/19/98 Received;
2/19/98 Accepted;
2/19/98 Public Filing;
4/25/98 Public Hearing Racket;
4/25/98 Racket Closed.

REGISTRATION NO. 0123456789

Date TIME: 10:12:30 AM

Page 2 of 6

PLEASE TYPE OR PRINT CLEARLY

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

COMPLAINT

| Complainant: (The party filing the complaint) | | Respondent: (The person or Company complained against) | |
|--|-------------------|---|-----------------------------|
| Name | Rah Tharston | Contact Person | |
| Address | 102 N. Medina | Company | Northwestern Public Service |
| City, State, Zip | Brandon SD, 57005 | Address | |
| Work Phone | 338-1941 | City, State, Zip | |
| Home Phone | 582-7119 | Work Phone | 1-605-338-7505 |
| Cellular Phone | 360-0317 | Cellular Phone | |
| Fax | 338-1931 | Fax | |

If this Complaint is represented by an attorney, please list the attorney's name, address, telephone number and fax number below.
 If Complaint is not represented by an attorney, please leave blank:

The facts giving rise to my complaint:
* See Attached Pages

NOTE: Please attach additional pages, if necessary, to explain your situation. Also attach copies of any bills or other documents relevant to your complaint.

July 8, 1998

South Dakota PUC

On June 12, 1998 at approx. 11:00 p.m. we arrived at our lake cabin. When we opened the door there was this horrific odor and our smoke alarm was going off. The odor was from our refrigerator it was not working and everything in it had gone bad. The food in the freezer was completely thawed and full of mold. The smell is indescribable.

The lights worked but nothing else did. We then went outside and looked and found that the Gas Company was there and put in their line and it crossed the painted markings of our underground electrical service. At that time we suspected our electrical line had been cut. We called Northwestern Public Service that night to see if they would know what the problem was or would come out and check it. They would not come out check to see what the problem was. We then called Sioux Valley Southwestern Electric to see if they would come out to take a look. They did come out to see what the problem was. They found where the line had been spliced. Sioux Valley Electric told us it was the neutral wire that had been cut and that cutting a neutral wire would send a 220 volt power through the 110 volt electrical outlets therefor burning out all of our appliances.

This took until 3:00 am. The smell was so bad we had to sleep outside in sleeping bags. The next morning we talked to our neighbors and they told us the gas company had people there approx. 10 days ago putting in their gas line. When they cut the line they didn't even call us to tell us that there had been a problem. We called Northwestern Public Service (NWPS) Saturday, 13 of June they told us there was nothing they could do till Monday the 15th, I wouldn't settle for that and continued to call until I got someone to do something. After 3 or 4 phone calls and waiting for return phone calls NWPS had gotten hold of their sub-contractor and that they (Distribution Construction) had cut the power line. At this time 2:30pm we demanded that they bring out a refrigerator and they still insisted that we get by until Monday with coolers, which we didn't have. NWPS told us to go and by a cooler to get by, we went to Parrida and bought a cooler and realized there was no way with a family of 5 plus company for the weekend we'd get by with a cooler. Then we got very persistent and told them we wanted the refrigerator taken care of. They told us again that there was nothing they could do until Monday and I told them there were many places open on a Saturday to get a refrigerator. We had to move our refrigerator outside even after cleaning it with bleach the odor was so bad. NWPS sent someone out to measure and replace our refrigerator at about 4:30-5:00 PM we got a new refrigerator. It was the wrong color, wrong size, is not a side by side like we had but it would get us by.

Our next conversation was on Monday 15th they said they did not know what to do yet. They would call us back later. They didn't call back.

I called them again on Tuesday 16th and talked to Sid at the Madison office of NWPS he told me to go ahead and get our appliances repaired or replaced. I asked him what to do with the things that were not repairable if we needed to keep the things he told me to just throw them away they didn't want the items and replace them with new. Being concerned I asked him when would we get reimbursed for the items that had to be repaired or replaced. He told me as soon as I got him all the receipts they (NWPS) would write me a check. He told me that if I gave him the receipts on Thursday he could get me a check by Friday or Monday which would have been the 19th or 22nd of June. The items that were in question of repair were checked on Tuesday afternoon these items were the TV, VCR, and Satellite system. They were not repairable as well as everything else.

We proceeded to replace everything as we were told. We had Satellite Solutions come out and do what needed to be done to repair the satellite system he also checked the TV and VCR. We didn't get everything taken care of until Friday. We turned in the receipts on Monday 22nd. At this time we expected a check sometime that week. I called them the next day (Tuesday 23rd) to make sure everything was going ok, it was and they were processing it. I called them again on the 24th just to stay on top of the situation. At this time they told me I needed to call Distribution Construction (sub-contractor of NWPS) because they were the ones that actually cut the power line. Distribution Construction told me they had to turn it over to their insurance company. I wait 2 days and didn't hear anything at this time I called Distribution Construction and requested the number for their insurance company and called them Friday the 26th. They told me they just received the claim and they had to assign an adjuster to the claim. I asked how long this would take and they replied they could fax it to him today and he would be in touch with me in a day or two to meet with me. I got tired of waiting because I need to be reimbursed for the money I had spent so I called them again and got the name of the adjuster on Tuesday the 30th. On the 1st I got a call back from Bob Subraski their claims representative. He wanted to meet with me on Thursday and I said how about

today to go over the claim because the fax transmittals were not clear enough. So we met at 3:00pm on 7/1/98 for approx 45 minutes. At this time he didn't think the insurance company (C&A Insurance) would pay us for everything they would want to depreciate some of the items. He would go through the claim review it and let us know. So we wait a couple of days and didn't hear anything. We left a message with C&A Ins. July 6th for them to call back. They did call back on the 7th of July. I also got a call from the claim rep. on the 7th. His best offer was approx. 2219.00 for a total of receipts that is 2749.26. I told him the offer was unacceptable. We have a total of 2749.26 of receipts for the items repaired and or replaced, I spent approx. 23 hours off work at 25.00 an hour for a total of 575.00, 550 miles of travel at 33 a mile for a total of 192.30 back and forth to the lake to get things repaired, replaced, removed, thrown away. My wife has also spent the same amount of time even more than I did. I had hoped to settle this with out going through so much hassles 2-3 weeks ago. With out the hassle we would have taken the 2749.26. But know for all the extra time spent in phone calls and problems we've had trying to get this resolved I believe we are entitled to our mileage and time spent. We would also like to see our refrigerator replaced with the same cubic foot that we had (not smaller), the same color that we had (gold), and side by side (like we had).

Sincerely,
Rob Thorson



P.S.
Even after 3 phone calls, and 3 weeks almost 4 the electrical line is still not buried and still exposed.

DATE 7/15/98 TIME 10:15:00 AM

FILE NUMBER 10 885 338 1931

RESOLUTION REQUEST

I ask that the Public Utilities Commission begin the following relief. (What do you think the Commission should do to solve this problem?)

I believe the PUC should do away with all that they can to resolve the problem

NOTE: Please attach any additional forms if necessary.

VERIFICATION

Signature must be witnessed by a notary public.

Complainant's Signature

Date

7-9-98

State of South Dakota

County of *M. Meade*

City and State *9th July*

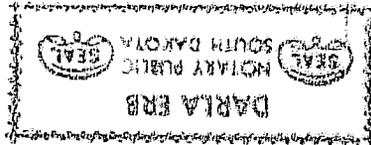
Subscribed and sworn to before me on this _____ day of _____, 1998

I, _____, a Notary Public in and for the State of South Dakota, do hereby certify that the foregoing instrument was duly executed and acknowledged before me on the date and at the place stated herein.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Signature of Notary Public

Darla Erb



(S&A) My commission expires: *7-8-99*

START

OF

RETAKE

Filed for filing by: Thorson

Date: 7/7/98 Time: 10:12:09 AM

Page: 1 of 1

RESOLUTION REQUEST

That the Public Utilities Commission grant the following relief. (What do you think the Commission should do to solve this problem?)

I believe the PUC should do any and all that they can to resolve the problem

NOTE: Please attach any additional pages, if necessary.

VERIFICATION

Signature must be witnessed by a notary public.

[Handwritten Signature]

7-9-98

Complainant's signature

Date

State of South Dakota

County of Minnehaha :35

On this 9th day of July, 1998

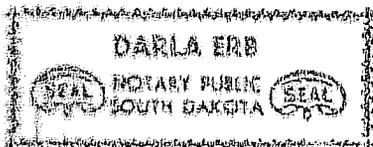
personally came and appeared Rob Thorson before me

known to me to be the individual described herein and who executed the foregoing instrument, and who duly acknowledged to me that he has executed same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Handwritten Signature]

Signature of Notary Public

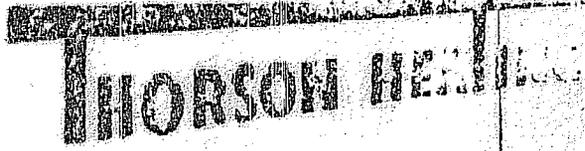


(SEAL)
My commission expires: 7-8-99

END

OF

RETAKE



FOR THE BEST
OF
HEATING AND
INSULATION

ALCO SHEET METAL

608 East 5th Street
SIOUX FALLS, S.D. 57103

Phone: 338-1941

Date 7-9-98
 Company PUC
 To Ken Heley
 Regarding dispute with Northwestern Pub Serv
 Number of pages 11 pages
 Please confirm receipt Yes No.
 A hard copy will follow by Mail Yes No

NOTES.

SATELLITE SOLUTIONS
207 S. GARFIELD
SFSO 5714Y 834-8286

1572

| | | |
|--|-------|---------------|
| CUSTOMER'S CHECK NO. | DEPT. | DATE: 6/16/88 |
| NAME: Ron Johnson | | |
| ADDRESS: 627 FISHER POINT LAKE MADISON | | |
| CITY, STATE, ZIP: WENTWORTH SD 57 | | |

| QTY | ITEM | S.O.A. | CHARGE | ON ACCT. | NUMBER | PAID BY |
|-----|------|--------|--------|----------|--------|---------|
| One | | | | | | |

| | | | | | | |
|---|---|--|--|--|-----------------|----------|
| 1 | SATELLITE RECEIPTS | | | | 8.89 | 00 |
| 1 | TV ANT | | | | 3.22 | 00 |
| 1 | VCR 1119 | | | | 2.75 | 00 |
| 1 | LARGE SERVICE/INSTALLATION | | | | 1.20 | 00 |
| 1 | Food Assembly | | | | 1.50 | 00 |
| | | | | | 8.42 | 00 |
| 1 | ALL EQUIPMENT IS UNREPAIRABLE, COST GREATER THAN NOW. | | | | | 00 |
| | | | | | 1.96 TAX | 00 |
| | | | | | TOTAL | 12.15 00 |
| | | | | | total | 18.69 00 |
| | | | | | tax | 4.61 76 |
| | | | | | EST ONLY | |
| | | | | | | 1215.76 |

KEEP THIS COUPON WITH RECORDS
©1987 HERTZ INC. 01320

this page
1215.76

Thermin Heating/Aku Sheet Metal

514 Low Land Street
Bismarck, ND 58103

Invoice

| DATE | INVOICE # |
|---------|-----------|
| 6/22/98 | 100 |

| | |
|--------------------------------------|----------------------|
| Bill To: Project No: Job Name: | Invoice No: Date: |
|--------------------------------------|----------------------|

| P.O. NO. | TERMS | PROJECT |
|----------|-----------------|---------|
| | Del. on receipt | |

| DESCRIPTION | RATE | AMOUNT |
|---|-------|---------------|
| removed 1/2" aluminum sheet 2' x 4' | 34.44 | 34.44 |
| 2' x 4' | 23.00 | 50.00 |
| 2' x 4' | 18.00 | 18.00 |
| new 1/2" aluminum sheet replaced 24 volt transformer - transformer was tested - checked charges and is available | 6.00% | 6.15 |
| Total | | 108.59 |

pd

PAID

108.59

To: Alan Duffin

Company: NWPS

Fax Number: 605-353-7601

Date: 7/14/98

Time: 4:07:02

From: Leni Healy

Company: South Dakota PUC

Fax Number: 605.773.3809

Pages including cover page: 12

Message:

You have received the following formal complaint from Rob Thorsen. Commission policy allows a brief period in which the parties may attempt an informal resolution before the issue becomes a docketed matter.

Please review the information. If an informal resolution is reached before noon, July 14, 1998, please inform us. If we are not contacted concerning a resolution, the issue will become docketed and scheduled for a Commission meeting.

THIS TRANSMISSION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the sender of this message is not the intended recipient or the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any distribution, use or copying of this communication is prohibited.

South Dakota Public Utilities Commission

State Capitol Building; Pierre SD 57501

Telephone: (605) 772-3201 Fax: (605) 773-3609

South Dakota Public Utilities Commission

WEEKLY FILINGS

For the Period of July 10, 1998 through July 16, 1998

TC98-129

Complaint by Dale and Linda Brooks vs USWC. Lack of and poor telephone service in the Mina, South Dakota area. The complainants request the following relief: "The P.U.C. should get on U S WEST and not allow any rate increases until we have the same services that are available to residents of Aberdeen."

Staff Analyst: Leni Healy. Staff Attorney: Ethan Meaney.

Date Filed: July 10, 1998

Intervention Deadline: NA

TC98-130

Complaint by Denise Broveak vs USWC. "I am writing this as President of the Elk Ridge Home Owners Association. Our subdivision consists of 56 lots and in 1993 the U S WEST engineer for our area noted that there were only 20+ pairs (cable) available to our development. The engineer was told that the lots were selling quickly and something needed to be done to correct the shortage... The tragedy is as follows. James Van't Land and his family have moved to Elk Ridge - June 22nd. Early April of this year, they were issued 3 phone numbers for 3 lines to be installed upon arrival 6/22/98. As of today, they have no service (July 8) and were issued 1 cell phone on July 3rd to carry them over. James' business line is not active and he is struggling with his job as a result. They receive no help from U S WEST." The complainant requests the following relief: "U S WEST has known for several years of this problem and have done nothing to prepare. Now, the Van't Lands are suffering from their lack of telephone access. Another family will soon be moving here (also needing a business line) and they are out of luck also. We need a multiplexer or more cable! Van't Lands deserve compensation or credit for inconvenience!"

Staff Analyst: Leni Healy. Staff Attorney: Ethan Meaney.

Date Filed: July 8, 1998

Intervention Deadline: NA

TC98-131

Application by Main Street Telephone Company for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. "Applicant seeks authority to offer a full range of "I+" interexchange telecommunications services on a resale basis. Specifically, Applicant seeks authority to provide MTS, out-WATS, in-WATS, and Calling Card services. Applicant does not intend to provide operator services, 900 or 700 services."

Staff Analyst: David Jacobson. Staff Attorney: Karen Cremer.

Date Filed: July 14, 1998

Intervention Deadline: July 31, 1998

TC98-132

Complaint by Wilson Enterprises, Inc. vs U S WEST. "We are being served by old, antiquated telephone equipment. U S WEST has us on an "anaconda" phone system due to a lack of physical pairs of wires. With this system, we are unable to use or

access any digital services, including Caller ID." Complainant requests the following relief: "Require U S WEST to provide newer, fast, more reliable and digital service to the phone numbers associated with our main number: 605-574-2684 "

Staff Analyst: Leni Healy. Staff Attorney: Camon Hoseck

Date Filed: July 13, 1998

Intervention Deadline: NA

TC98-133

Complaint by Marian C. Brooks vs USWC. "We have had phone problems for years" in the Mina, South Dakota area. The complainant requests the following relief "You know the answer to that better than I do."

Staff Analyst: Leni Healy. Staff Attorney: Ethan Meaney.

Date Filed: July 15, 1998

Intervention Deadline: NA

EL98-019

Complaint by Rob Thorson vs Northwestern Public Service Company (NWPS). Complainant alleges that his appliances and equipment were damaged by a power surge caused when NWPS severed an electrical cable while installing a gas line. Complainant states that he is seeking monetary damages, that the electrical line is still exposed and he is asking the Commission to do all it can to resolve the problem.

Staff Analyst: Bob Knadle. Staff Attorney: Camron Hoseck

Date Filed: July 9, 1998

Intervention Deadline: NA

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five business days of this filing. Phone: 605-773-3705. Fax: 605-773-3809

You may receive this listing and other PUC publications via our website or via internet e-mail. You may subscribe to the PUC mailing list at <http://www.state.sd.us/state/executive/puc/puc.htm>

FAX TRANSMISSION from Consumer Affairs

To: Rob Thorson

Company:

Fax Number: 8-1-605-338-1931

Date: 8/11/98

Time: 3:03:40

From: Leri Healy

Company: South Dakota PUC

Fax Number: 605.773.3809

Pages including cover page: 1

Message:

Mr. Thorson,

Your complaint against Northwestern Public Service, EL98-019, is still open pending your approval of the settlement which NWPS offered.

If you are satisfied with the settlement, please fax us a letter indicating your satisfaction. If you are not satisfied, please let us know so that we can pursue further action.

Thank you for your attention to this matter.

THIS COMMUNICATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any distribution, use or copying of this communication is prohibited.

South Dakota Public Utilities Commission

State Capitol Building, Pierre SD 57501
Telephone: (605) 773-3201 Fax: (605) 773-3809

FOR THE BEST
IN
HEATING AND
AIR CONDITIONING

THORSON HEATING

ALCO SHEET METAL
636 East 3rd Street
SIOUX FALLS, S.D. 57103
Phone: 338 1841

Date 8-11-78
Company PUC.
To Levi Holy
Regarding Completed E178 on
Number of pages 1
Please confirm receipt Yes No.
A hard copy will follow by mail Yes No.

NOTES.

*I have been satisfied
By NWPS, There is no need
For further action.*

*Thank you for
your help*
[Signature]

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT FILED) ORDER CLOSING DOCKET
BY ROB THORSON, BRANDON, SOUTH)
DAKOTA, AGAINST NORTHWESTERN) EL98-019
PUBLIC SERVICE COMPANY REGARDING)
REIMBURSEMENT FOR EXPENSES)
INCURRED)

On July 9, 1998, the South Dakota Public Utilities Commission (Commission) received a complaint from Rob Thorson, Brandon, South Dakota, against Northwestern Public Service Company (Northwestern) regarding reimbursement for expenses incurred as the result of a power line cut. The Commission subsequently received information from Rob Thorson indicating that a resolution of the complaint had been reached.

On August 18, 1998, at its regularly scheduled meeting, the Commission considered this matter. Commission Staff recommended closing the docket.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-34A, specifically 49-34A-4. The Commission unanimously voted to close the docket. It is therefore

ORDERED, that Docket EL98-019 be closed.

Dated at Pierre, South Dakota, this 25th day of August, 1998.

| | |
|--|---------------------------|
| 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>Laska Schoenfelder</u> |
| Date | <u>8/25/98</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