E-130/C-93-693 ORDER CONTINUING INVESTIGATION AND REQUIRING FURTHER FILINGS

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm	Chair
Tom Burton	Commissioner
Marshall Johnson	Commissioner
Cynthia A. Kitlinski	Commissioner
Dee Knaak	Commissioner

In the Matter of the Complaint of Archie and Agnes Iveson Against Northern Electric Cooperative Association

ISSUE DATE: July 29, 1994

DOCKET NO. E-130/C-93-693

ORDER CONTINUING INVESTIGATION AND REQUIRING FURTHER FILINGS

PROCEDURAL HISTORY

In the spring of 1992 Archie and Agnes Iveson made an informal complaint to the Commission's Consumer Affairs Office about a service extension fee assessed by Northern Electric Cooperative Association (the co-op). Efforts at informal resolution failed. On July 23, 1993 fifty-four customer-members of the co-op filed a formal complaint under Minn. Stat. § 216B.17 alleging the co-op had failed to meet its statutory responsibilities to Archie and Agnes Iveson. On September 15, 1993 Mr. and Mrs. Iveson filed a supplementary letter stating the issue in dispute was the reasonableness of the service extension fee.

On January 19, 1994 the Commission issued an Order requiring the co-op to answer the complaint. The co-op's answer, filed February 8, 1994, denied the extension fee at issue was unreasonable and challenged the legal sufficiency of the complaint.

The matter came before the Commission on July 21, 1994.

FINDINGS AND CONCLUSIONS

I. The Complaint's Adequacy

The co-op claimed the formal complaint was legally inadequate for two reasons: (1) Seven of the 54 signers were not co-op members, leaving the complaint without the 50 member signatures required under Minn. Stat. § 216B.17, subd. 1 (1992); (2) the complaint was not verified, as required under Minn. Stat. § 216.13 (1992).

The co-op is correct in claiming the complaint is not verified and it may be correct in challenging some of the signatures. However, the Commission is convinced that resolving this complaint is in the public interest. Service extension policies directly affect the Commission's charge to ensure economical universal service throughout the state. The Commission will therefore take up the complaint on its own motion, instead of returning it for the correction of technical defects.

II. Further Filings Required

The complaint and the answer do not develop the facts in enough detail for the Commission to determine the reasonableness of the disputed fee. For example, it appears that distribution facilities to the Iveson property were once in place, but were removed for highway construction and not replaced. The facts surrounding the decision not to replace them are unclear. So are the facts surrounding the timing of the Ivesons' request for service and the content and source of representations made to them about service availability.

Equally unclear are the history of service to the Iveson property, whether and to what extent the co-op was reimbursed for the costs of removing and replacing the distribution facilities, and whether the co-op adopted and complied with reasonable policies on abandoning distribution routes to property formerly served.

The Commission will ask the Department of Public Service to investigate these and all other issues relevant to the just resolution of this dispute. To simplify the factfinding process, the Commission will add to this record all letters and other documents submitted during the informal mediation process preceding the filing of the formal complaint.

The co-op will be required to respond to the Department's report, and the Commission will again take up the complaint when the facts have been adequately developed.

ORDER

1. The Commission initiates on its own motion an investigation into the reasonableness of the service extension fee charged to Archie and Agnes Iveson by Northern Electric Cooperative Association.

2. The record of this proceeding shall include all letters and documents submitted by the parties during efforts at informal resolution with the assistance of the Commission's Consumer Affairs Office.

3. Within 60 days of the date of this Order the Department of Public Service shall file a report and recommendation addressing the issues raised above and all other issues the Department considers relevant to the just resolution of this dispute.

4. Complainants and respondent shall file responses to the Department's report within 10 days of its filing.

5. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)