

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Jerel Ross
(Name)
P O Box 2259
(Address)
Grand Island, NE 68802
(City/State/Zip)
Galen E. Stehlik (308)382-8010
(Phone Number)

Complainant,

v.

NorthWestern Energy
(Name)
40 East Broadway St
(Address)
Butte MT 59701
(City/State/Zip)

Respondent.

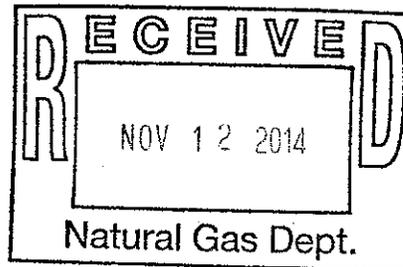
Complainant alleges:

Complainant is a customer of NorthWestern Energy
(Name of natural gas provider)

The above named Respondent is a jurisdictional utility engaged in the provision of natural gas service to customers in the state of Nebraska, Neb. Rev. Stat. § 66-1801 et seq. (2008).

That (specifically list facts):

See attached.



Formal Complaint No. FC-1364
(NPSC will assign)

JEREL ROSS
D/B/A YAP AUCTION
P O BOX 2259
GRAND ISLAND NE 68802
(308)

Complainant,

v.

NORTHWESTERN ENERGY,
40 EAST BROADWAY ST
BUTTE MT 59701,

Respondent.

That (specifically list facts):

Complainant operated an auction business located at real estate situated at 801 West Anna Street, Grand Island, Nebraska. This was the service address for the Complainant until July, 2013.

Complainant purchased real estate in Grand Island, Nebraska, and Complainant moved their business from 801 W. Anna Street to the new location at 317 W. 4th Street, Grand Island, Nebraska on or about August 1, 2013. Jerel Ross, on behalf of Complainant, personally appeared at the offices of NorthWestern Energy in Grand Island, Nebraska on July 1, 2013, notifying NorthWestern Energy that service should be disconnected at 801 W. Anna Street effective July 31, 2013. Mr. Ross had been involved in a law suit with the owner of the property at 801 W. Anna Street, and the law suit was resolved and Mr. Ross delivered possession of the property, and delivered the keys, to the landlord, Mr. Coad Miller on July 31, 2013. Mr. Ross/YAP Auction was no longer in possession of the property at 801 W. Anna Street as of that date.

I am attaching to this Complaint a copy of a letter that our attorney sent to the Respondent dated April 28, 2014.

The Respondent, despite what we consider to be a legitimate legal dispute concerning service to 801 W. Anna Street, Grand Island, Nebraska, has denied our request to establish service at our new business location at 317 W. 4th St., Grand Island, Nebraska. They indicate that they are not required to set up service at the new location because we have not paid for our bill for the prior service at 801 W. Anna Street. We have no other alternative on providing natural gas service to our new business premises. Since we have been in possession, we have been unable to provide heat to the building, have not been able to have hot water, etc.

Since NorthWestern Energy is the sole provider of this utility in this area, I feel I have no redress for what I consider to be a legitimate dispute other than to pay the disputed bill and then sue for some sort of a refund, which would be a time consuming and potentially expensive proposition.

NorthWestern Energy has taken the unpaid balance from 801 W. Anna Street, and established it as a condition precedent to the providing of any service to 317 W. 4th Street. We were not responsible for any gas consumption on the property at 801 W. Anna Street because we had vacated the property on July 31, 2013.

THE LAW OFFICES OF
Lauritsen, Brownell, Brostrom & Stehlik, P.C.

A Limited Liability Organization

724 West Koenig Street • P.O. Box 400 • Grand Island, NE 68802-0400 • Telephone: 308-382-8010 • Fax: 308-382-8018
Established 1915

Walter P. Lauritsen (1908-1990)
John R. Brownell (1942-2005)

Kevin A. Brostrom
Galen E. Stehlik
Matthew C. Boyle
Mitchell C. Stehlik

April 28, 2014

Jonathan M. Oostra
Corporate Counsel
NorthWestern Energy
40 East Broadway Street
Butte, MT 59701

Via Email: jon.oostra@northwestern.com

Re: YAP Auctions
Account No.: 2880009-2

Dear Jonathan:

Thank you for your letter of April 14, 2014. I met with my client, Jerel Ross of YAP Auctions, and we have reviewed in detail your letter. Mr. Ross indicates that on July 31, 2013, he went to two places to discontinue utilities - he went to the Grand Island Public Utilities office, and we have verification that they printed out his final bill as of 7/31/2013. On that same day (7/31/2013) he went to NorthWestern Energy, and talked to a hispanic lady, telling her the same thing that he had told the Grand Island City officials - discontinue service in my name to 801 West Anna St., Grand Island.

You are correct in pointing out that a payment was made in October - Mr. Ross indicates that his wife, Kathy, who writes checks to pay bills of YAP Auction, inadvertently paid this bill, thinking that it was - in fact - the "final bill".

If YAP Auctions, Inc. (in whose account the service was provided) is sued by NorthWestern Energy, YAP Auction would have no alternative but to file a Third Party Complaint against the true owner of the property, Coad Miller and his wife, Martina Deutsche. They took possession of the property on West Anna Street on August 1, 2013. If Mr. Ross is obligated to pay for the service to this property from 8/1/13 to 12/13/13, and he is sued by NorthWestern Energy to recover for cost of services for this period, he would have no alternative but to join Miller and Deutsche as a Third Party Defendants.

We believe that the appropriate person to pay for service beginning August 1, 2013 is Coad Miller, who had possession of the property. Mr. Ross does dispute the position taken by NorthWestern that they were not notified until December 13, 2013 - he believes that the notification occurred July 31, 2013, the same day that he gave notice to the provider of electricity to the location.

I am also enclosing a copy of my client's statement from NorthWestern Energy for gas services as of 10/24/2013. This statement differs greatly from the balance now allegedly due - can you explain the difference.

Jonathan M. Oostra
April 28, 2014
Page 2

If you have any questions concerning our position, please feel free to contact me at (308) 382-8010.

Very truly yours,



Galen E. Stehlik
galens@lauritsenlaw.com

GES/blw