

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held at its office
in Jefferson City on the 27th
day of October, 1992

Lavelle and Betty Rumfelt,)	
)	
Complainants,)	
)	
v.)	<u>Case No. EC-92-315</u>
)	
Ozark Electric Cooperative,)	
)	
Respondent.)	
)	

ORDER DISMISSING COMPLAINT

On June 30, 1992 Lavelle and Betty Rumfelt (Complainants) filed a Complaint herein against Ozark Electric Cooperative (Ozark), their electricity provider, stating therein that they reside on and operate a dairy cow farm in Christian County, Missouri and that Ozark was responsible for their dairy cows not giving milk due to stress from stray voltage in their milk barn. On August 10, 1992 Ozark filed an Answer And Motion To Dismiss claiming that it denied all allegations, that whatever voltage problems that existed, if any, were caused by inadequate wiring and equipment on the customer's side of the meter, and that the Commission lacks jurisdiction over the issue. On October 9, 1992 the Commission's Staff filed its recommendation following its investigation.

The Commission finds that this case began when an informal complaint was submitted to the Commission by the Complainants. The Complainants contended that stray voltage from their electricity provider, Ozark, had caused stress in their dairy cows and as a result of the stress, the cows developed mastitis and had to be sold. According to Staff a technical definition of stray voltage is as follows: the presence of voltage on the white or neutral wire, ground wire, or metallic surface when measured to the true earth (i.e., a ground rod located

away from and not connected to the electrical system). On May 19, 1992 the Staff conducted a field investigation of Complainants' farm. Staff's inspection revealed no stray voltage present. Any evidence of previous stray voltage no longer existed as the problem had apparently been corrected by action taken by Ozark. Complainants indicated that stray voltage was last noticed on May 14, 1991. All rural electric cooperatives are subject to regulation by the Commission as to safety standards pursuant to Section 394.160, R.S.Mo. 1986, and 4 CSR 240-18.010. Accordingly, the Staff submitted data requests to Ozark. It was Staff's determination from its investigation and the information supplied by Ozark that it was unable to reach a conclusion as to the source or cause of stray voltage at the Complainants' dairy farm and therefore was unable to make a determination of whether or not the Commission rules on safety had been violated.

The Commission further finds that, even if the allegations of the Complaint were true, the Commission has no jurisdiction over the Complaint in that Complainants seek \$55,794 money damages for loss of cows and loss of milk sales. The Commission does not have statutory power to award money damages; *Gaines v. Gibbs*, 709 S.W.2d 541 (Mo. App. 1986); *State ex rel. Fee Fee Trunk Sewer, Inc. v. Litz*, 596 S.W.2d 466 (Mo. App. 1980); *Wilshire Construction Co. v. Union Electric Co.*, 463 S.W.2d 903 (Mo. 1971).

Therefore, for all the above findings of fact and after considering the Complainants' Complaint, Answer And Motion To Dismiss of Ozark, and the Staff's recommendation, the Commission determines that the Complaint should be dismissed. Furthermore, the Commission determines that there is no evidence supporting a past or present safety standard violation of 4 CSR 240-18.010 by Ozark.

IT IS THEREFORE ORDERED:

1. That the Complaint of Lavelle and Betty Rumfelt against Ozark Electric Cooperative be hereby dismissed.

2. That this order shall become effective on the 6th day of November, 1992.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

McClure, Chm., Mueller, Rauch,
Perkins and Kincheloe, CC., concur.

