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

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| **IN THE MATTER OF THE REQUEST BY XCEL ENERGY FOR A DETERMINATION OF ITS TERRITORY BOUNDARIES** | **)**<br>**)**<br>**)**<br>**)**<br>**)** | **ORDER DENYING PETITION TO RECONSIDER OR REVIEW**<br><br>**EL00-026** |

On September 15, 2000, the Public Utilities Commission (Commission) received a request from Xcel Energy (Xcel) to determine a territorial boundary dispute. Xcel stated that Xcel and Southeastern Electric Cooperative, Inc. (Southeastern) do not agree on a service territory boundary located in southwest Sioux Falls. Xcel stated the following:

> The area in question is known as the "Sunset Ridge Addition." It lies in northern Lincoln County just west of Interstate 29, in Section 7 of Township 100 North, Range 50 West. I am under the understanding that Southeast Coop believes the territorial boundary should be drawn at what is known as 61st Street. Xcel believes that the territorial boundary should be drawn somewhat south of 61st Street at what will be known as Bakker Park Drive.

The hearing was held as scheduled on October 5, 2000, beginning at 10:00 a.m. in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. The issue at the hearing was to determine the electric service boundary between Xcel and Southeastern in Section 7, Township 100 North, Range 50 West, in Lincoln County. Briefs were filed following the hearing.

At its November 2, 2000, meeting, the Commission considered this matter. The Commission allowed the admission, as an exhibit, of the transcript of the original proceeding that established the territorial boundaries. With respect to the merits of the case, the Commission found that the territorial map of the Commission establishes that the southern boundary of Excel's service area is the line equidistant between the northern and southern boundaries of Section 7, Township 100 North, Range 50 West, in Lincoln County. The Commission issued its written findings of fact and conclusions of law on November 9, 2000.

On December 8, 2000, the Commission received a Petition to Reconsider or in the Alternative Petition to Review from Southeastern. On December 20, 2000, the Commission received an Opposition to Petition to Reconsider from Xcel.

At its January 4, 2001, meeting, the Commission considered the petition. The Commission has jurisdiction over this matter pursuant to SDCL 49-34A-42 through 49-34A-44, inclusive. After listening to arguments from the parties, the Commission voted to deny the Petition to Reconsider or in the Alternative Petition to Review (Commissioner Burg, abstaining). It is therefore

ORDERED, that Southeastern's Petition to Reconsider or in the Alternative Petition to Review is denied.

Dated at Pierre, South Dakota, this 17th day of January, 2001.

**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:_____

Date:_____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

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PAM NELSON, Commissioner

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LASKA SCHOENFELDER, Commissioner