

EL96-014



MONTANA-DAKOTA

UTILITIES CO.

A Division of MDU Resources Group, Inc.

400 North Fourth Street
Bismarck, ND 58501
(701) 222-1900

RECEIVED

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

June 13, 1996

Mr. William Bullard, Jr.
South Dakota Public Utilities
Commission
State Capitol Building
500 East Capitol
Pierre, SD 57501

Re: Modification of Electric Service Area
Docket No. EL96-___

Dear Mr. Bullard:

Montana-Dakota Utilities Co. (Montana-Dakota), a Division of MDU Resources Group, Inc., herewith submits an original and ten (10) copies of an Application requesting Commission approval of a change in service area pursuant to SDCL §49-34A-55.

Please acknowledge receipt by stamping or initialing the duplicate copy of this letter attached hereto and returning the same in the enclosed self-addressed, stamped envelope.

Sincerely,

C. Wayne Fox
Vice President
Regulatory Affairs & General Services

Attachments
cc D. Schulz

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

In the Matter of the Application of)
MONTANA-DAKOTA UTILITIES CO.,) Docket No. EL96-____
a Division of MDU Resources Group, Inc.)
for Modification of Electric Service Area)

APPLICATION

COMES NOW, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., the Applicant in the above-entitled proceeding (hereafter "Montana-Dakota" or "Applicant"), and respectfully states as follows:

I.

That Montana-Dakota, a Division of MDU Resources Group, Inc., is a Delaware corporation duly authorized to do business in the State of South Dakota as a foreign corporation, and that it is doing business in the State of South Dakota as a public utility.

II.

That Montana-Dakota's Certificate of Incorporation and Amendments thereto have previously been filed with the South Dakota Public Utilities Commission (PUC or Commission) and reference thereto is hereby made, and such Certificate and Amendments are hereby incorporated herein by reference as though fully set forth herein.

8136.253

III.

That Applicant's full name and post office address are:

Montana-Dakota Utilities Co.,
a Division of MDU Resources Group, Inc.
400 North Fourth Street
Bismarck, North Dakota 58501

IV.

That each electric utility in South Dakota has the exclusive right to provide electric service at retail in assigned service areas pursuant to SDCL §49-34A-42, which also provides that no electric utility shall render or extend electric service at retail within the assigned service area of another electric utility unless such other electric utility consents thereto in writing and the agreement is approved by the Commission consistent with SDCL §49-34A-55.

V.

That the City of Herreid, South Dakota (City) recently annexed property into the city limits in which the City desires two new street lights to be located.

VI.

That the location of one of the new street lights is in the assigned electric service area of Cam Wal Electric Cooperative, Inc. (Cam Wal).

VII.

That Montana-Dakota presently serves all street lighting needs of the City pursuant to a Street Lighting Agreement.

VIII.

That Montana-Dakota's present facilities are closer to the location where the City desires the two street lights to be located in the newly annexed addition and the City desires that Montana-Dakota install and serve the two street lights to avoid duplication of service providers for the City's street lighting system.

IX.

That to avoid duplication and cost of facilities, Cam Wal is willing to allow Montana-Dakota the limited right to serve the one new street light in Cam Wal's otherwise assigned service area in the new City addition.

X.

That SDCL §49-34A-55 provides that electric utilities can change electric distribution service rights by written mutual agreement and subject to Commission approval.

XI.

That SDCL §49-34A-55 further provides that any agreement which changes assigned service areas shall be filed with and approved by the Commission before it may become effective.

XII.

That on May 17, 1996, Montana-Dakota and Cam Wal entered into a Service Area Modification Agreement, attached hereto as Exhibit "A", wherein Cam Wal grants Montana-Dakota the limited right to construct, operate, and provide electric service at retail to the one electric street light to be located within Cam Wal's assigned electric service area in Section 6, Township 127N, Range 76W, Campbell County, South Dakota, as shown on Exhibit "B", attached hereto.

XIII.

That Cam Wal grants Montana-Dakota permission, subject to Commission approval hereunder, to extend Montana-Dakota's electric line to serve the above street light in Cam Wal's otherwise assigned service area. The street light shall consist of a 150 watt sodium vapor light to be constructed on a 40 foot street light pole. The light will be served from #4 duplex underground conductor so that no other loads can be served by Montana-Dakota off this circuit.

XIV.

That except as stated in Exhibit "A", Cam Wal reserves its rights under South Lakota law to serve the retail customers and accounts that locate within its assigned electric service area.

XV.

That the Service Area Modification Agreement between Montana-Dakota and Cam Wal dated May 17, 1996, attached hereto as Exhibit "A" and incorporated herein, is hereby submitted to the Commission for approval pursuant to SDCL §49-34A-55.

XVI.

That Cam Wal and Montana-Dakota agree to Montana-Dakota's submittal of attached Exhibits "A" and "B" for Commission approval pursuant to SDCL §49-34A-55 without a request for a formal hearing by the Commission.

WHEREFORE, Applicant respectfully requests that the Public Utilities Commission of South Dakota:

1. Approve Exhibits "A" and "B" attached hereto and incorporated herein agreeing to a change in service area;
2. Grant approval without the need for a formal hearing; and
3. Grant such other and additional relief as the Commission shall deem just and proper.

Dated this 13th day of June, 1996.

MONTANA-DAKOTA UTILITIES CO.,
a Division of MDU Resources Group, Inc.

By: C. Wayne Fox

C. Wayne Fox
Vice President-
Regulatory Affairs & General Services

STATE OF NORTH DAKOTA)
 :SS
COUNTY OF BURLEIGH)

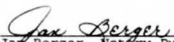
C. Wayne Fox, being first duly sworn, deposes and says that he is the Vice President-Regulatory Affairs & General Services of Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., the Applicant herein, that he has read the foregoing Application, knows the content thereof, and that the same is true and correct to the best of his knowledge, information and belief.

Dated this 13th day of June, 1996.



C. Wayne Fox

Subscribed and sworn to before me this ^{13th}~~14th~~ day of June, 1996.



Jan Berger, Notary Public
Burleigh County, North Dakota
My Commission Expires: 09/25/97

OF COUNSEL:

Douglas W. Schulz
Senior Attorney
Montana-Dakota Utilities Co.
400 North Fourth Street
Bismarck, North Dakota 58501

SERVICE AREA MODIFICATION AGREEMENT

THIS AGREEMENT is made and entered into this 17th day of May, 1996, by and between CAM WAL ELECTRIC COOPERATIVE, INC. (Cam Wal) and MONTANA-DAKOTA UTILITIES CO., a Division of MDU Resources Group, Inc. (Montana-Dakota).

WHEREAS, the City of Herreid, South Dakota (City) recently annexed property into the city limits in which the City desires two new street lights to be located; and

WHEREAS, the location of one of the new street lights is in the assigned electric service area of Cam Wal; and

WHEREAS, Montana-Dakota presently serves all street lighting needs of the City of Herreid pursuant to a Street Lighting Agreement; and

WHEREAS, Montana-Dakota's present facilities are closer to the location where the City desires the two street lights to be located in the newly annexed addition and the City desires that Montana-Dakota install and serve the two street lights to avoid duplication of service providers for the City's street lighting system; and

WHEREAS, to avoid duplication and cost of facilities, Cam Wal is willing to allow Montana-Dakota the limited right to serve the one new street light in Cam Wal's otherwise assigned service area; and

WHEREAS, SDCL § 49-34A-42 provides that no electric utility shall render or extend electric service at retail within the assigned service area of another electric utility unless such other electric utility consents thereto in writing and the agreement is approved by the South Dakota Public Utilities Commission consistent with SDCL §49-34A-55;

NOW, THEREFORE, Cam Wal and Montana-Dakota agree as follows:

1. Subject to South Dakota Public Utilities Commission approval pursuant to SDCL §49-34A-55, Cam Wal grants Montana-Dakota the limited right to construct, operate and provide electric service at retail to one electric street light located within Cam Wal's assigned electric service area in Section 6, Township 127N, Range 76W, Campbell County, South Dakota, as shown on Exhibit A, attached hereto and incorporated herein.
2. Cam Wal grants Montana-Dakota permission to extend its electric line to serve the street light in Cam Wal's assigned service area. The street light shall consist of a 150 watt sodium vapor light to be constructed on a 40 foot street light pole. The light will be served from #4 duplex underground conductor so that no other loads can be served by Montana-Dakota off this circuit.

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3. Except as set forth herein, Cam Wal reserves its rights under South Dakota law to serve the retail customers and accounts that locate within its assigned electric service area.
 4. This Agreement shall be submitted to the South Dakota Public Utilities Commission for approval without a request for a formal hearing.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year first above written.

CAM WAL ELECTRIC COOPERATIVE

By: Charles W. Birkholt
Charles Birkholt
Manager

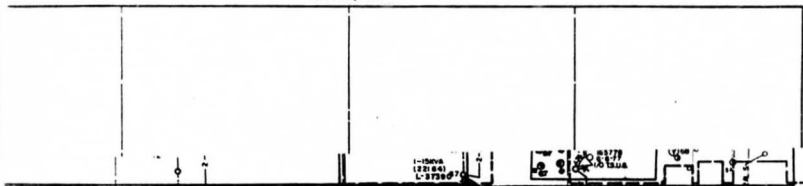
MONTANA-DAKOTA UTILITIES CO.,
a Division of MDU Resources Group, Inc.

By: Dennis Schnabel
Dennis Schnabel
District Manager

Plat 54-6
Mobridge Division

SECTION 6, Township 127 N., Range 76 W.

See Map No.



SEE MAP NO. 54-7

See Map No. HERREID DIST.

2-2A.B.P. 87

Scale: 1 inch = 500'

NOTES

District 10-1 County Cannon State South Dakota

HERREID, S. D.

410-010-06

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

IN THE MATTER OF THE FILING BY)	ORDER GRANTING
MONTANA-DAKOTA UTILITIES, INC. FOR)	APPROVAL
APPROVAL OF A SERVICE AREA)	
EXCEPTION.)	EL96-014

On June 17, 1996, the Public Utilities Commission (Commission) received a filing from Montana-Dakota Utilities, Inc. (MDU) for approval of a service area exception. The purpose of the filing was to seek Commission approval for MDU to accommodate the City of Herreid, South Dakota (the City), who has requested two new street lights in a recently annexed area. One of the street lights is located within Cam Wal Electric Cooperative's (Cam Wal) territory. MDU has a Street Lighting Agreement with the City to serve all street lights in Herreid. MDU submitted a letter of justification, a map and plat of the affected area, and a copy of a "Service Area Modification Agreement," which MDU and Cam Wal had signed, signifying their agreement. The City signified their agreement by separate writing.

The property which is the subject of this request for approval is described as "one electric street light located within Cam Wal's assigned electric service area in Section 6, Township 127N, Range 76W, Campbell County, South Dakota." The street light will be a "150 watt sodium vapor light to be constructed on a 40 foot street light pole." The agreement further provided MDU could extend its electric line to serve the street light with a #4 duplex underground conductor so that no other loads can be served by MDU off this circuit.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-34A, specifically 49-34A-4, 49-34A-42, and 49-34A-55. Further, the Commission finds that granting the service rights transfer will avoid the unnecessary duplication of facilities, provide adequate service to the City, and promote the efficient use and development of the electric systems of the contracting electric utilities. The Commission therefore concludes that the request is in the public interest and shall be granted.

As the Commission's final decision in this matter, it is therefore

ORDERED that the request seeking approval of service area modification agreement is hereby granted.

Dated at Pierre, South Dakota, this 10 day of August, 1996.

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: William Kelly

Date: 8/16/96

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kenneth Stofferahn
KENNETH STOFFERAHN, Chairman

James A. Burg
JAMES A. BURG, Commissioner