

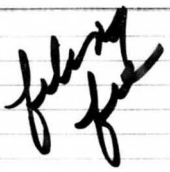
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EL 96-021

HC/MB

DOCKET NO. EL 96-021

In the Matter of **IN THE MATTER OF THE COMPLAINT
FILED BY RAYMOND AND BEVERLY
NORDSTROM, SPEARFISH, SD,
AGAINST BUTTE ELECTRIC
COOPERATIVE, INC. AND BLACK
HILLS POWER AND LIGHT
REGARDING ELECTRICAL SERVICE
TO CERTAIN LOTS IN MOUNTAIN
SHADOWS MOBILE HOME PARK,
SPEARFISH, SD**



Public Utilities Commission of the State of South Dakota

DATE	MEMORANDA
8/30/96	Filed
9/11/96	Dismissed
11/5/96	Order Finding Probable Cause,
11/5/96	Approval of Black Hills Power and Light Company,
12/2/96	Approval of Butte Electric Cooperative, Inc.,
2/11/97	Final Agreement, 1.801 s.d.s.
3/4/97	Order finding approval of the final agreement, ^{and closing Record} with no remaining complaint
5/4/97	Record Closed

0136
11
EL96-021

RECEIVED

AUG 30 1996

SOUTH DAKOTA PUBLIC
UTILITY COMMISSION

August 26, 1996

Public Utilities Commission
Mr. William Bullard
Executive Director
500 East Capitol Ave.
Pierre, SD 57501-5070

Re: Mountain Shadows Mobile Home Park Electrical Service

Dear Mr. Bullard:

This letter is a follow-up to our telephone conversation regarding electrical service to lots 1-7 located in Block 12 of Mountain Shadows Mobile Home Park in Spearfish, SD. There are a total of 246 lots in Phase I all of which are served by Butte Electric Cooperative, Inc. Phase II consists of 79 lots of which 72 are clearly served by Butte Electric Cooperative, Inc. There is some question as to who would serve the remaining 7 lots as described above. Black Hills Power & Light claims that these 7 lots are in their territory and that they intend to serve them. Butte Electric maintains that the intent of the original trade consummated under Phase I was that Butte Electric would serve all of the lots in Mountain Shadows be it Phase I or Phase II. Since Phase II was not platted at the time, it was difficult to determine where the actual boundary line would fall. Apparently the 7 lots in question lie in the area that wasn't included in the actual legal description provided in the original trade.

I also had the understanding that the intent of original trade agreement was that Butte Electric would serve all of the lots in Mountain Shadows. Butte Electric and I have been working together and coordinating utilities within the mobile home park based on this premise. As per your request, I have included a copy of the electrical utilities layout to show you how Phase I and Phase II integrate together. Regardless of whose territory this is to serve, it my desire to have the complete mobile home park served by one supplier. Since Butte Electric already serves everything else, I want them to serve these 7 lots as well. These 79 lots represent the final development phase of Mountain Shadows.

Thank you for considering this request. My wife and I do appreciate your efforts and sincerely hope that your decision will be favorable to our request.

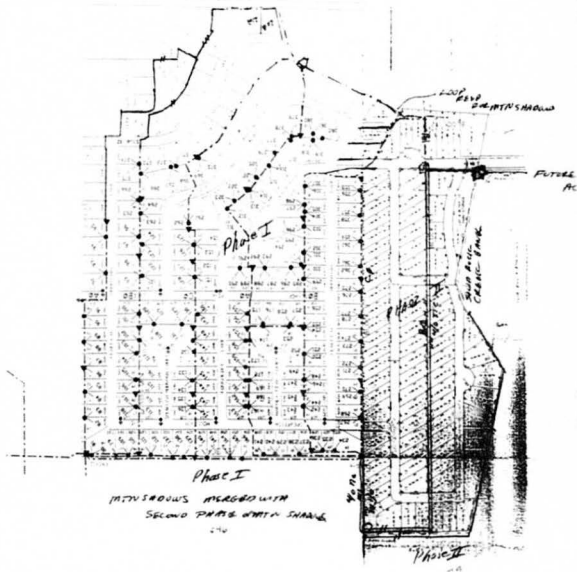
Sincerely,

Raymond & Beverly Nordstrom

Raymond and Beverly Nordstrom

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STATE OF SOUTH DAKOTA DEPARTMENT OF REVENUE 1115 Capitol Building Pierre, S.D. 57501			



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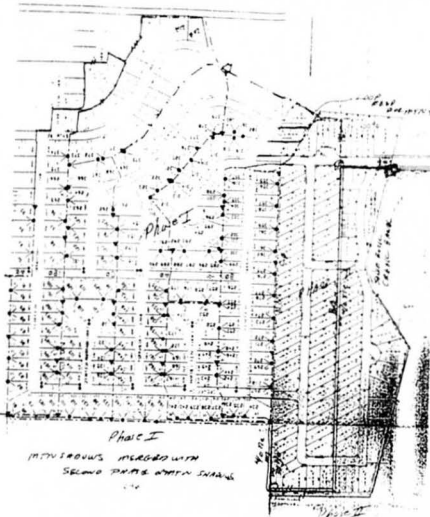
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BUTTE ELECTRIC COOPERATIVE, INC.
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 BUTTE

SCALE - 1 inch = 300 feet
 BUTTE ELECTRIC COOPERATIVE, INC.
 NEMELI, SOUTH DAKOTA
 SOUTH DAKOTA 57
 BUTTE



POWER TO BE
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Phase I
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 SECOND PHASE WITH CHANGE

North
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4. 11/18/96

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

IN THE MATTER OF THE COMPLAINT FILED)	
BY RAYMOND AND BEVERLY NORDSTROM,)	ORDER FINDING
SPEARFISH, SOUTH DAKOTA, AGAINST)	PROBABLE CAUSE
BUTTE ELECTRIC COOPERATIVE, INC. AND)	
BLACK HILLS POWER AND LIGHT)	EL96-021
REGARDING ELECTRICAL SERVICE TO)	
CERTAIN LOTS IN MOUNTAIN SHADOWS)	
MOBILE HOME PARK, SPEARFISH, SD)	

On August 30, 1996, the Public Utilities Commission (Commission) received a formal complaint from Raymond and Beverly Nordstrom, Spearfish, South Dakota, concerning electrical service to certain lots in Mountain Shadows Mobile Home Park. The issue in the complaint is which electric service provider, Butte Electric Cooperative, Inc. (Butte) or Black Hills Power & Light (BHP&L), should provide electrical service to 7 lots located in Mountain Shadows Mobile Home Park in Spearfish, SD. The Nordstroms are requesting that the entire park be served by Butte Electric as it is already serving the other 318 lots in the park and the Nordstroms contend that this was the intention of docket EL94-025 which granted approval of a change in service territory between Butte and BHP&L.

Pursuant to ARSD 20 10 01 08 01 and 20 10 01 09, if a complaint cannot be settled without formal action, the Commission shall determine if the complaint shows probable cause of an unlawful or unreasonable act, rate, practice or omission to go forward with the complaint.

On October 8, 1996, at its regularly scheduled meeting, the Commission deferred action in this matter. At its regularly scheduled November 1, 1996, meeting the Commission considered this complaint along with presentations by Mr. Nordstrom, Ken Wetz, a representative of Butte, Jim Mattern, a representative of BHP&L, and Commission Staff.

The Commission has jurisdiction over this matter pursuant to SDCL 49-34A-2, 49-34A-4, 49-34A-27, 49-34A-42, 49-34A-55, and ARSD 20 10 01 08 01, and 20 10 01 09. The Commission unanimously voted to find probable cause due to a factual dispute and directed the executive director to set a procedural schedule. It is therefore

ORDERED, that probable cause has been found in this matter and that the complaint shall be forwarded to Butte and BHP&L and Butte and BHP&L shall file with the Commission its answer in writing within twenty (20) days of service of this order. It is further

ORDERED, that the executive director shall set a procedural schedule in this matter

Dated at Pierre, South Dakota, this 5th day of November, 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 Kato*

Date 11/6/96

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION

Kenneth Stofferahn
KENNETH STOFFERAHN, Chairman

James A. Burg
JAMES A. BURG, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

LAW OFFICES
MORRILL THOMAS & NOONEY, LLP
625 NINTH STREET - 8TH FLOOR
P O Box 8108
RAPID CITY, SOUTH DAKOTA 57709-8108

November 25, 1996

DAVID E. MORRILL
TIMOTHY L. THOMAS*
JOHN K. NOONEY*
MICHAEL V. WHEELER
*ALSO LICENSED IN MINNNS

TELEPHONE
(605) 348-7516
FAX
(605) 348-5852

RECEIVED

NOV 27 1996

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Karen Cremer, Esq.
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501

RE: In the Matter of the Complaint Filed by Raymond and Beverly Nordstrom,
Spearfish, South Dakota, against Butte Electric Cooperative, Inc. and Black Hills
Power and Light Regarding Electrical Service to Certain Lots in Mountain
Shadows Mobile Home Park, Spearfish, SD

EL96-021

Dear Ms. Cremer:

Enclosed are the original and 10 copies of the Answer of Black Hills Power and Light
Company in the above case.

Sincerely yours,


John K. Nooney

JKN:bae
Enclosures

cc: Butte Electric Cooperative, Inc.
Raymond and Beverly Nordstrom
James Mattern
Mike Shultz

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

RECEIVED

NOV 21 1996

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION


IN THE MATTER OF THE COMPLAINT)
FILED BY RAYMOND AND BEVERLY) EL 96-021
NORDSTROM, SPEARFISH, SOUTH)
DAKOTA, AGAINST BUTTE ELECTRIC)
COOPERATIVE, INC. AND BLACK HILLS) ANSWER OF BLACK
POWER AND LIGHT REGARDING) HILLS POWER AND LIGHT
ELECTRICAL SERVICE TO CERTAIN LOTS) COMPANY
IN MOUNTAIN SHADOWS MOBILE)
HOME PARK, SPEARFISH, SD)

COMES NOW Black Hills Power and Light Company ("Black Hills"), by and through its undersigned counsel, John K. Nooney of Morrill Thomas & Nooney, LLP, and consistent with the Order Finding Probable Cause entered by the South Dakota Public Utilities Commission ("Commission") dated November 5, 1996, and served upon the parties on November 6, 1996, Black Hills formally responds, denies, and alleges to the Complaint of Raymond and Beverly Nordstrom ("Nordstrom") as follows:

1. Black Hills is a public utility as defined by South Dakota law at SDCL 49-34A-1(12).
2. Black Hills, as a public utility, operates an electric utility consistent with the definition at SDCL 49-34A-1(7) in the state of South Dakota, and more particularly in Lawrence County, as it concerns Nordstrom's Complaint.
3. As an electric utility, Black Hills has an exclusive right to provide electric service as retail to each and every location it was serving as of March 21, 1975, and to each and every present and future customer in its assigned service area, all consistent with the provisions of SDCL 49-34A-42.
4. In Docket EL94-025, application was made by Black Hills and Butte Electric Cooperative, Inc. ("Butte"), for a change in service territory wherein Black Hills and Butte exchanged certain territory, all as more fully set forth in the Order Granting Approval of a Change in Service Territory entered by the South Dakota Public Utilities Commission on November 21, 1994 ("Order"), a copy of which is attached hereto as Exhibit 1 and incorporated herein by this reference.
5. Pursuant to the Order, Black Hills exchanged certain territory with Butte, and in particular, provided that Butte was allowed to serve that portion of Lot 2A lying south of the

3. For such other and further relief as the Commission deems appropriate.

Dated this 25th day of November, 1996.



JOHN K. NOONEY
Attorney for Black Hills Power and Light Company
MORRILL THOMAS & NOONEY, LLP
625 Ninth Street, 8th floor
P. O. Box 8108
Rapid City, SD 57709-8108
(605) 348-7516

CERTIFICATE OF SERVICE

I, John K. Nooney, attorney for Black Hills Power and Light Company in the above-entitled matter, do hereby certify that a true and correct copy of the within and foregoing Answer of Black Hills Power and Light Company was mailed by first class mail, postage prepaid thereon, to:

Raymond and Beverly Nordstrom
Mountain Shadows Estates
1201 Elkhorn Peak Lane
Spearfish, South Dakota 57783

Kenneth Wetz
Butte Electric Cooperative, Inc.
109 S. Dartmouth
P. O. Box 137
Newell, South Dakota 57760-0137

by depositing the same in the United States Mail at Rapid City, South Dakota, this 25th day of November, 1996.



John K. Nooney

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION OF)
BLACK HILLS POWER & LIGHT AND) ORDER GRANTING
BUTTE ELECTRIC COOPERATIVE) APPROVAL OF A CHANGE
REQUESTING APPROVAL OF A CHANGE) IN SERVICE TERRITORY
IN SERVICE TERRITORY) EI 94-025

On September 15, 1994, the Public Utilities Commission (Commission) received a joint application from Black Hills Power & Light (BHP&L) and Butte Electric Cooperative requesting the Commission's approval of a change in service territory between the two companies. The change in service territory is stated as follows:

From BHP&L territory to Butte Electric Cooperative:

T6N R3E Section 19, Lot 2A S1/4 that portion lying south of the 1/16 line

T6N R2E Section 3, Lot 16-A Block 4, Jorgenson Subdivision

T6N R2E Section 3, Lot 1 Block 4, Jorgenson Subdivision

T6N R2E Section 14, S1/2NW1/4, portion of Block 1 Country Club Subdivision lying west of 1/16 line

From Butte Electric territory to BHP&L:

T5N R3E Section 11, S1/16SW1/4SW1/4

BHP&L also stated in its letter, "This will allow BHP&L to serve the Dunbar golf course clubhouse, which is immediately adjacent to the Dunbar resort, located in BHP&L territory."

The owners of the above described real estate all gave written consent to the change in service territory with the exception of Mr. Don Sipe, owner of the property described as 6N 2E Section 3 Block 4 Lot 16-A, who refused to give written consent to the change but verbally agreed to such a change in service territory.

On October 24, 1994, at its regularly scheduled meeting, the Commission considered the request for a change in service territory. Commission staff recommended approval of the change in service territory.

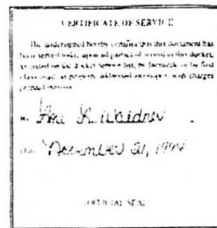
The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-34A, specifically SDCL 49-34A 4, 49-34A 47, and 49-34A-55. Further, the Commission finds that this change in service territory will avoid unnecessary duplication of facilities, provide adequate electric service to all customers affected, and promote the efficient use and development

finds that this change in service territory will avoid unnecessary duplication of facilities, provide

of the electric systems of the contracting electric utilities. The Commission therefore concludes that the change in service territories is in the public interest and it shall be granted. As the Commission's final decision in this matter, it is therefore

(ORDERED), that the request seeking approval of a change in service territory is hereby granted.

Dated at Pierre, South Dakota, this 20th day of November, 1994



BY ORDER OF THE COMMISSION

Laska Schoenfelder
LASKA SCHOENFELDER, Chairman

Kenneth Stofferahn
KENNETH STOFFERAHN, Commissioner

James A. Burg
JAMES A. BURG, Commissioner



Butte Electric Cooperative, Inc.

PO Box 137
109 S Dartmouth
Newell SD 57760-0137

Phone: (605) 456-2494
Fax: (605) 456-2496

November 27, 1996

Karen Cremer, Esq.
South Dakota Public Utilities Commission
500 East Capitol
Pierre SD 57501

RECEIVED
DEC 02 1996
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

RE: In the Matter of the Complaint Filed by Raymond and Beverly Nordstrom, Spearfish, South Dakota, against Butte Electric Cooperative, Inc. and Black Hills Power and Light Regarding Electrical Service to Certain Lots in Mountain Shadows Mobile Home Park, Spearfish, SD

EL96-021

Dear Ms. Cremer:

Enclosed are the original and 10 copies of the Answer of Butte Electric Cooperative, Inc. in the above case.

Sincerely,


Kenneth Wetz

KW/kt
Enclosures

cc: John K. Nooney
Raymond and Beverly Nordstrom

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

RECEIVED
DEC 01 1996
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN THE MATTER OF THE COMPLAINT FILED BY RAYMOND AND BEVERLY NORDSTROM, SPEARFISH, SOUTH DAKOTA, AGAINST BUTTE ELECTRIC COOPERATIVE, INC. AND BLACK HILLS POWER AND LIGHT REGARDING ELECTRICAL SERVICE TO CERTAIN LOTS IN MOUNTAIN SHADOWS MOBILE HOME PARK, SPEARFISH, SOUTH DAKOTA

ANSWER OF BUTTE ELECTRIC COOPERATIVE, INC.

In 1994 Butte Electric Cooperative, Inc. and Black Hills Power and Light reached an agreement for the trade of territory, which was subsequently approved by the Commission. In that agreement, Butte Electric Cooperative, which already served in its own territory the majority of Mountain Shadows Trailer Park, was to serve that portion located in Black Hills Power and Light territory. An effort was made to not include one Black Hills Power and Light customer located to the southwest of the trailer court. As a result of that effort, the seven lots in question were not included in the legal description sent to the Commission for approval.

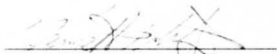
Both Butte Electric Cooperative representatives and Mr. Ray Nordstrom had the understanding the agreement would allow Butte Electric to serve all of Mountain Shadows Trailer Park. It was at Mr. Nordstrom's request for a single electric supplier that the negotiations between Butte Electric and Black Hills Power and Light even took place. We both thought that was accomplished. Now, Black Hills Power and Light denies that was the agreement.

Therefore, Butte Electric Cooperative respectfully requests the Commission grant to Butte Electric Cooperative, Inc. the right to serve the seven lots in question. This decision is consistent with the original intent of the agreement, even though Black Hills Power and Light now denies such.

The owner of the property, Mr. Nordstrom, has the same recollection of the intent of the agreement and has requested Butte Electric be allowed to serve the seven lots.

Butte Electric Cooperative constructed electrical facilities to serve Mountain Shadows Trailer Park. To now deny Butte Electric Cooperative to serve those lots would cause unnecessary duplication of electric facilities and would leave a stranded investment.

Dated this 27th day of November, 1996.



Kenneth Wetz, General Manager
Butte Electric Cooperative, Inc.
109 South Dartmouth Ave.
PO Box 137
Newell, South Dakota 57760-0137

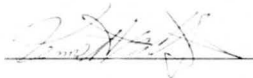
CERTIFICATE OF SERVICE

I, Kenneth Wetz, General Manager for Butte Electric Cooperative, Inc., do hereby certify that a true and correct copy of the within and foregoing Answer of Butte Electric Cooperative, Inc. was mailed by first class mail, postage prepaid thereon, to:

Raymond and Beverly Nordstrom
Country Club Village
230 Fairway
Spearfish, SD 57783

John K. Nooney
Attorney for Black Hills Power and Light Company
Morrill Thomas and Nooney, LLP
625 Ninth Street, 8th floor
PO Box 8108
Rapid City, SD 57709-8108

by depositing the same in the United States Mail at Newell, South Dakota, this 27th day of November, 1996



LAW OFFICES
MORRILL THOMAS & NOONEY, LLP
625 NINTH STREET - 8TH FLOOR
P.O. BOX 8100
RAPID CITY, SOUTH DAKOTA 57708-8108

DAVID E. MORRILL
TIMOTHY L. THOMAS*
JOHN K. NOONEY*
MICHAEL V. WHEELER
*LSO LICENSED IN MINNAP.

December 10, 1996

TELEPHONE
(605) 348-7816
FAX
(605) 348-5852

VIA FACSIMILE (605) 773-3809

Bill Bullard
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501

FAX Received 12/10/96

RE: In the Matter of the Complaint Filed by Raymond and Beverly Nordstrom, Spearfish, South Dakota, against Butte Electric Cooperative, Inc., and Black Hills Power and Light Regarding Electrical Service to Certain Lots in Mountain Shadows Mobile Home Park, Spearfish, SD

EL96-021

Dear Mr. Bullard:

This letter is intended to follow up my telephone conversation with you of earlier today. As you were informed by both Ken Wetz and me, the territory dispute between Black Hills and Butte Electric has been resolved. While the parties have not yet formally executed the documents necessary to effect the exchange, I understand that will be done in the very near future. I would respectfully request that you remove the above matter from the Commission's calendar. This has been scheduled on Tuesday, December 17, at 3:00 p.m.

I have discussed this matter with Mike Shultz and understand he or Mr. Wetz will resolve this matter with the Nordstroms.

EL96-021



Butte Electric Cooperative, Inc.

PO Box 137
109 S Dartmouth
Newell SD 57760-0137

Phone: (605) 456-2494
Fax: (605) 456-2496

December 13, 1996

RECEIVED

DEC 16 1996

Mr. Bill Bullard
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Re: Complaint filed by Raymond and Beverly Nordstrom, Spearfish, SD, against Butte Electric Cooperative, Inc., and Black Hills Power and Light regarding 7 lots located in Mountain Shadows Estates, Spearfish, SD.

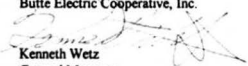
Dear Mr. Bullard:

This letter is to inform you that the territory dispute between Black Hills Power and Light has been resolved. The necessary documents to affect the exchange are being prepared and should be executed in the near future. I have been in contact with the Nordstroms and have advised them of current situation and that as a result, Butte Electric would be providing electrical service to the 7 lots referred to in the complaint. Therefore, I am respectfully requesting that you remove the above matter from the Commission's calendar which was scheduled for Tuesday, December 17, at 3:00 p.m.

If there are any questions from yourself or any member of the Public Utilities Staff, please contact me. I wish to convey my appreciation and thank you for your attention to this matter.

Sincerely,

Butte Electric Cooperative, Inc.


Kenneth Wetz
General Manager

cc: John K. Nooney
Jim Mattern
Mike Shultz
Raymond and Beverly Nordstrom

EL 96-021

RECEIVED

JAN 02 1997

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

December 30, 1996

Mr. Bill Bullard
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501

Re: Complaint filed by Raymond & Beverly Nordstrom, Spearfish,
SD, against Butte Electric Cooperative, Inc., and Black
Hills Power & Lights regarding 7 lots located in Mt. Shadows
Estates, Spearfish, SD.

Dear Mr. Bullard:

This letter is to inform you that this matter has been resolved
and we would like our complaint dismissed.

Thank You.

Raymond & Beverly Nordstrom

Raymond & Beverly Nordstrom
Mountain Shadows Estates
1201 Elkhorn Peak Lane
Spearfish, SD 57783



Butte Electric Cooperative, Inc.

EL 96-021

PO Box 137
109 S Dartmouth
Newell SD 57760-0137

Phone: (605) 456-2494
Fax: (605) 456-2496

February 5, 1997

South Dakota Public Utilities Commission
Bill Bullard, Executive Director
500 East Capitol
Pierre, SD 57501

RECEIVED

FEB 11 1997

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Re Territory Trades

Dear Mr. Bullard

Butte Electric Cooperative, Inc. and Black Hills Power and Light Company have agreed to the attached territory trades

Trade Agreement No. 1 is in response to the complaint filed by Raymond and Beverly Nordstrom (EL96-021) and should bring that issue to a conclusion. Exhibits are included to identify the areas of trade as well as approvals from the appropriated landowners.


Trade Agreement No. 2 came about as the result of a request from Norris Rovere. Trading portions of adjoining sections would accomplish this and the land owners supported the trade. Therefore, both utilities agreed to honor the request and to make the trade. Exhibits are included to identify the areas of trade as well as the approvals from the appropriate land owners.

This letter, along with the attached Description of Trade Agreements and supporting Exhibits, constitutes Butte Electric Cooperative's formal acceptance of these territory trades.

Thank you for your assistance in this matter. If you need anything further to formalize these agreements, please advise and I will do my best to provide it.

Sincerely,

BUTTE ELECTRIC COOPERATIVE, INC.


Kenneth Weiz
General Manager

BLACK HILLS POWER AND LIGHT COMPANY

145 E Hudson
SPEARFISH, SOUTH DAKOTA 57783

TELEPHONE

(605) 642-2663

February 6, 1997

South Dakota Public Utilities Commission
William Bullard, Executive Director
500 East Capitol
Pierre, SD 57501

RE: Territory Trade

Dear Mr. Bullard:

Black Hills Power and Light and Butte Electric Cooperative, Inc. have agreed to the attached territory trades.

The first trade agreement is in response to a complaint filed by Ray and Beverly Nordstrom (EL96-021) and the agreed trade will close this issue with a satisfactory solution for all parties involved. Appropriate exhibits that define the trade areas are included, along with the approvals of the respective land owners.

The second trade agreement is in response to a request from Norris Rovere to allow BEC to be the sole electric provider to the land he owns north of Sturgis. This was easily accomplished since the property owner just west of Mr. Rovere agreed to the concept of the trade, which then allowed both utilities to honor the desired request. This trade is defined in the exhibits, and the approvals of the landowners is also attached.

This letter is included as part of the attached exhibits, and constitutes Black Hills Power and Light's formal acceptance of the proposed territory trades.

Thank you for your assistance in this matter. Please contact me if you have any questions on the above matter.

Sincerely,



Michael A. Shultz
Spearfish District Manager

cc: Jim Matern



DESCRIPTION OF TRADE AGREEMENTS

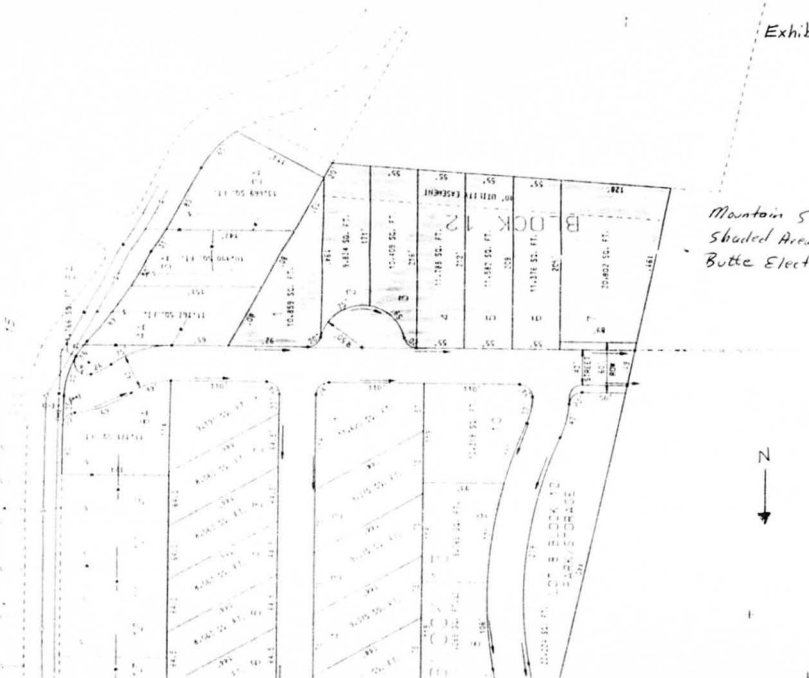
TRADE AGREEMENT NO 1

1. Black Hills Power and Light Company agrees to trade to the territory of Butte Electric Cooperative, Inc.
 - a. Lots 1-7 of Block 12 of Mountain Shadows Estates and located in the SW1/4SE1/4, Section 19, T6N, R3E. See Exhibits A and A-1.
2. Butte Electric Cooperative, Inc. agrees to trade to the territory of Black Hills Power and Light Company.
 - a. Lot 2 (Bk 2 Pg 44) and Lot 3A (Bk 2 Pg 60) NE1/4NW1/4, Section 14, T6N, R2E. This area is also described as Lot 1, pt Lot 2, Lot 3A, pt Lot 7, pt Lot 8, and pt Open Space of Block 13 of the preliminary plat of Sandstone Hills Subdivision and located in the NE1/4, Section 14, T6N, R2E. See Exhibits B, B-1 and B-2.
 - b. Lot 8 of Block 11 and pt Lot 14 of Block 12 which lies contiguous to Sandstone Hills Subdivision and located in the SE1/4, Section 11, T6N, R2E. See Exhibits B and C-1.
 - c. NW1/4SE1/4SW1/4, Section 5, T8N, R3E. See Exhibits D and D-1.
 - d. SE1/4SW1/4SW1/4, Section 5, T8N, R3E. See Exhibits D and D-2.

TRADE AGREEMENT NO 2

1. Butte Electric Cooperative, Inc. agrees to trade to the territory of Black Hills Power and Light Company.
 - a. Butte Electric portion of the NE1/4, Section 22, T6N, R5E. See Exhibits E and E-1.
2. Black Hills Power and Light Company agrees to trade to the territory of Butte Electric Cooperative, Inc.
 - a. Black Hills Power and Light portion of the NW1/4, Section 23, T6N, R5E. See Exhibits E and E-2.

Exhibit A



Mountain Shadows
Shaded Area to
Butte Electric



11,700 S.F.

AREA 3,120 S.F.



Butte Electric Cooperative, Inc.

PO Box 137
109 S Dartmouth
Newell SD 57760-0137

Phone: (605) 456-2494
Fax: (605) 456-2496

December 17, 1996

Raymond and Beverly Nordstrom
230 Fairway
Spearfish, SD 57783

Re: Mountain Shadows Territory Trade

Dear Ray and Beverly:

As you have already been made aware of, Butte Electric Cooperative, Inc. and Black Hills Power and Light Company have worked out a territory trade agreement that allows for Butte Electric to provide electrical service to Lots 1-7 of Block 12 of Mountain Shadows Estates. These lots are located in SW1/4SE1/4, Section 19, T6NR3E.

In order to finalize the agreement and file the necessary documents with the Public Utilities Commission, we also need your written approval of the territory trade. Please sign the acceptance of the territory trade at the bottom of this letter and return it in the self addressed and stamped envelope provided. Once this trade is finalized, it will ensure that Butte Electric will be the electrical energy provider for all of Mountain Shadows Estates as it is currently platted.

Thank you for your attention to this matter.

Sincerely,

BUTTE ELECTRIC COOPERATIVE, INC.

Handwritten signature of David L. Zwetzig in cursive.

David L. Zwetzig
Manager of Operations and Engineering

ACCEPTANCE

I, Raymond Nordstrom and Beverly Nordstrom, give my approval to Black Hills Power and Light Company to trade the above described territory to Butte Electric Cooperative, Inc.

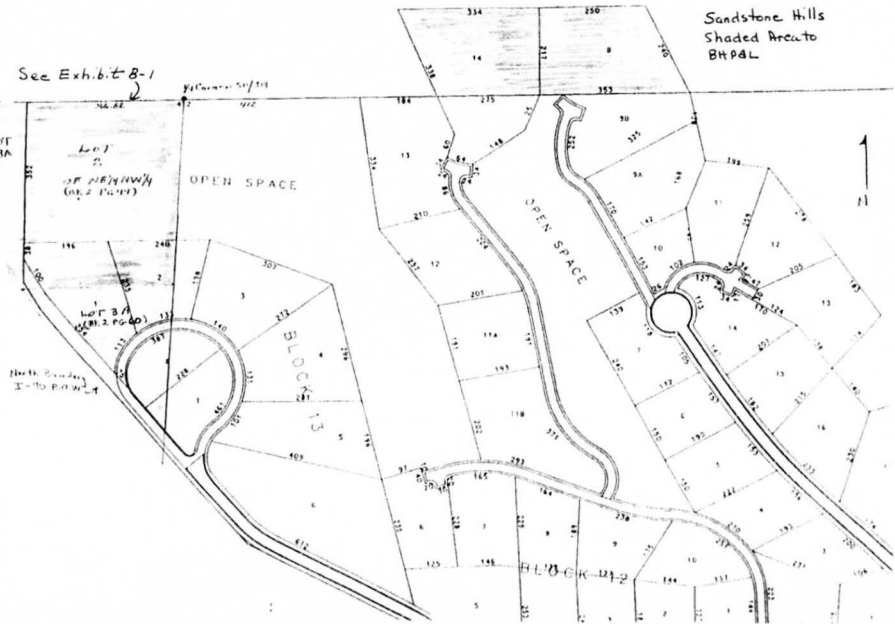
Handwritten signature of Raymond Nordstrom in cursive.

Handwritten signature of Beverly Nordstrom in cursive.

Exhibit B

Sandstone Hills
Shaded Areas
BHPAL

See Exhibit B-1

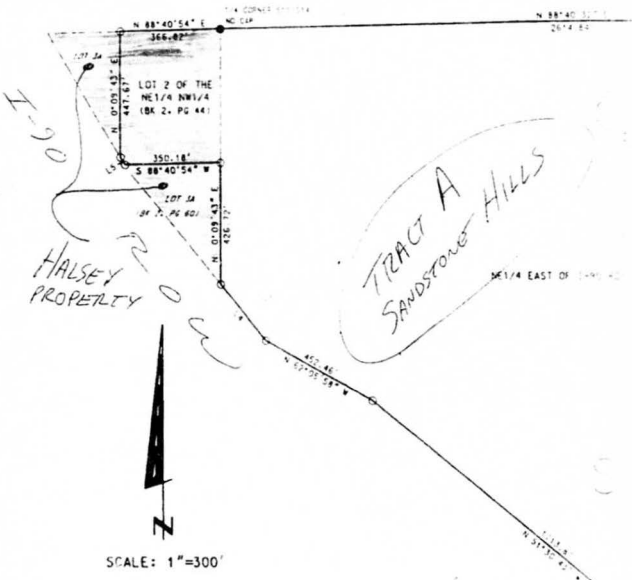


11-05-08-08-36 2:21:07 PM SJW - engineering

LOT 3A

Exhibit B-1

Exhibit B-1



LINE	BEARING	DISTANCE
1	S 0°21'11" E	47.00
2	S 32°20'09" W	100.00
3	N 57°19'15" W	117.20
4	N 40°24'24" N	117.20
5	N 11°14'57" E	117.20

INTERSECTION



Butte Electric Cooperative, Inc.

PO Box 137
109 S Dartmouth
Newell SD 57760-0137

Phone: (605) 456-2494
Fax: (605) 456-2496

January 2, 1997

Joe B. Jorgensen
905 Stagebarn Circle
Spearfish, SD 57783

Re: Territory Trade

Dear Joe:

Butte Electric Cooperative, Inc. and Black Hills Power and Light Company have been conducting some territory trade discussions. As a result of those discussions, it was concluded that it would be in the best interest of all parties that the portion of Block 13 of the preliminary plat of Sandstone Hills that is located in Butte Electric service territory be traded to Black Hills Power and Light. This would insure that all lots as shown on the preliminary plat would be served by the same utility. The legal description for the lots in question is as follows:


Lot 1, pt Lot 2, Lot 3A, pt Lot 8, and pt Open Space, Block 13, NE 1/4
Section 14, T6N, R2E

In order to finalize the agreement and file the necessary documents with the Public Utilities Commission, we need the written approval of the trade from the landowners. Please have the appropriate individuals sign the acceptance of the trade found at the bottom of this letter and then return it in the self addressed and stamped envelope provided. A copy of this letter is included for your records.

Thank you for your attention to this matter.

Sincerely,

BUTTE ELECTRIC COOPERATIVE, INC.


David L. Zwetzig
Manager of Operations and Engineering

ACCEPTANCE

We, the undersigned, give our approval to Butte Electric Cooperative, Inc. to trade the above described service territory to the service territory of Black Hills Power and Light Company

Exhibit C-1



Butte Electric Cooperative, Inc.

PO Box 137
109 S Dartmouth
Newell SD 57760-0137

Phone: (605) 456-2494
Fax: (605) 456-2496



December 18, 1996

Harlan Schmidt
PO Box 1048
Spearfish, SD 57783

Re: Lookout Mountain Territory Trade

Dear Harlan:

Per your request of August 8, 1996 regarding electrical service to Block 8, Lot 11, we have been negotiating with Black Hills Power and Light Company for a territory trade that would include the transfer of this lot as well as the portion of lot 14 that are presently in Butte Electric service territory to the territory of Black Hills Power and Light. These lots lie contiguous to the Sandstone Hills Subdivision. I am pleased to inform you, that we have reached an agreement which includes these two lots as described as follows:

Block 8, Lot ¹¹ ~~11~~ ⁸ and pt Lot 14, SE1/4, Section 11, T6NR2E *HKS*

In order to finalize the trade and file the necessary documents with the Public Utilities Commission, we need your written approval of the trade. Please sign the acceptance of the trade found at the bottom of this letter and return the letter in the self addressed and stamped envelope provided.

Thank you for your attention to this matter.

Sincerely,

BUTTE ELECTRIC COOPERATIVE, INC.

David L. Zwetzig
David L. Zwetzig
Manager of Operations and Engineering

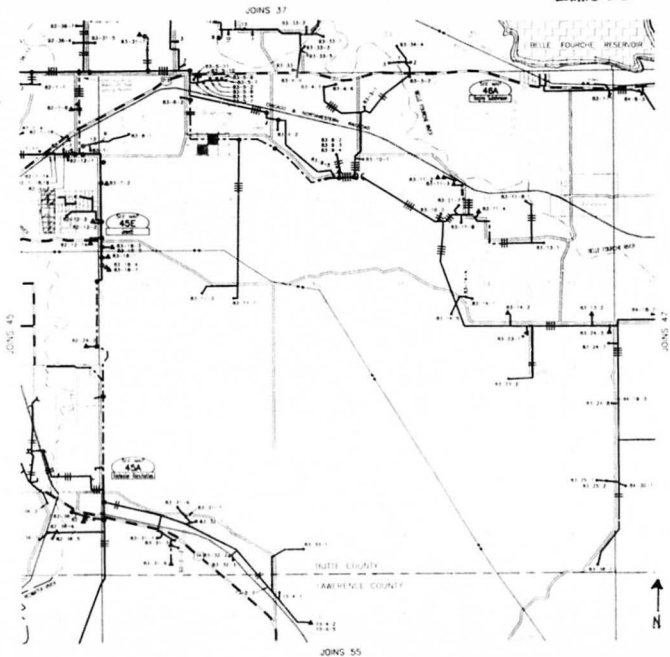
ACCEPTANCE

I, Harlan A. Schmidt, give my approval to Butte Electric Cooperative, Inc. to trade the above described service territory to the territory of Black Hills Power and Light Company.

Harlan A. Schmidt

Exhibit D

Shaded Area
to BHP&L



DRAWN BY: D.L. Ziegler, ET II
 LAST MOD: 1/3/96
 LAST REV: January 13, 1995
 FILE NAME: BERTHOLD.DWG

ROSKOPF ELECTRIC POWER COOPERATIVE
 ENGINEERING DEPARTMENT
 1715 Concord Street
 Rapid City, South Dakota

BUTTE ELECTRIC COOPERATIVE, INC.
 NEWELL, SOUTH DAKOTA
 SOUTH DAKOTA 15 BUTTE



1	2	3	4	5					
6	7	8	9	10					
11	12	13	14	15					
16	17	18	19	20	21	22	23	24	25
26	27	28	29	30	31	32	33	34	
35	36	37	38	39	40	41	42	43	
44	45	46	47	48	49	50	51	52	
53	54	55	56	57	58	59	60	61	
62	63	64	65	66	67	68			
69	70	71	72	73	74				
75	76	77	78	79	80				
81	82	83	84	85					

DETAIL
 COMPILED FROM USGS & DOT MAPS

COUNTY	BUTTE
TOWNSHIP	8N
RANGE	3E
MAP #	46



Butte Electric Cooperative, Inc.

PO Box 137
109 S Dartmouth
Newell SD 57760-0137

Phone: (605) 456-2494
Fax: (605) 456-2496

December 17, 1996

Steven D. Peterson
113 South Avenue
Sturgis, SD 57785

Re: Territory Trade

Dear Mr. Peterson:

Under a previous arrangement, we are allowing Black Hills Power and Light to provide you with electrical service to an account located in Section 5 of T8NR3E which is east of Belle Fourche, SD and located in Butte Electric Cooperative, Inc. service territory. This arrangement was temporary in nature, but as a result of discussions with Black Hills Power and Light, we are prepared to trade the territory in which the service is located, permanently to Black Hills Power and Light.

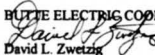
Although the territory offered for trade does not include all the land that you own in Section 5, it does include the service that now exists. The legal description is as follows:

NW1/4SE1/4SW1/4, Section 5, T8NR3E

For a territory trade to be concluded, all affected parties need to agree. In this case, Butte Electric and Black Hills Power and Light have agreed to the trade. We need your written approval in order to proceed with filing the territory trade documents with the Public Utilities Commission. Therefore, we are requesting that you sign the acceptance of the territory trade at the bottom of this letter and return it to us in the self addressed and stamped envelope provided. Thank you for your cooperation in regards to this matter.

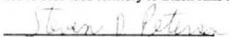
Sincerely,

BUTTE ELECTRIC COOPERATIVE, INC.


David L. Zwetzig
Manager of Operations and Engineering

ACCEPTANCE

I, Steven D. Peterson, give my approval for Butte Electric Cooperative, Inc. to trade the above described territory to Black Hills Power and Light Company.





Butte Electric Cooperative, Inc.

PO Box 137
109 S Dartmouth
Newell SD 57760-0137

Phone: (605) 456-2494
Fax: (605) 456-2496

December 17, 1996

Marc Monier
RR1 Box 167H
Belle Fourche, SD 57717

Re: Territory Trade

Dear Mr. Monier:

Under a previous arrangement, we are allowing Black Hills Power and Light to provide you with electrical service to an account located in Section 5 of T8NR3E which is east of Belle Fourche, SD and located in Butte Electric Cooperative, Inc. service territory. This arrangement was temporary in nature, but as a result of discussions with Black Hills Power and Light, we are prepared to trade the territory in which the service is located, permanently to Black Hills Power and Light.

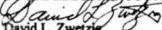
Although the territory offered for trade does not include all the land that you own in Section 5, it does include the service that now exists. The legal description is as follows:

SE1/4SW1/4SW1/4, Section 5, T8NR3E

For a territory trade to be concluded, all affected parties need to agree. In this case, Butte Electric and Black Hills Power and Light have agreed to the trade. We need your written approval in order to proceed with filing the territory trade documents with the Public Utilities Commission. Therefore, we are requesting that you sign the acceptance of the territory trade at the bottom of this letter and return it to us in the self addressed and stamped envelope provided. Thank you for your cooperation in regards to this matter.

Sincerely,

BUTTE ELECTRIC COOPERATIVE, INC.


David L. Zwetzig
Manager of Operations and Engineering

ACCEPTANCE

I, Marc Monier, give my approval for Butte Electric Cooperative, Inc. to trade the above described territory to Black Hills Power and Light Company.

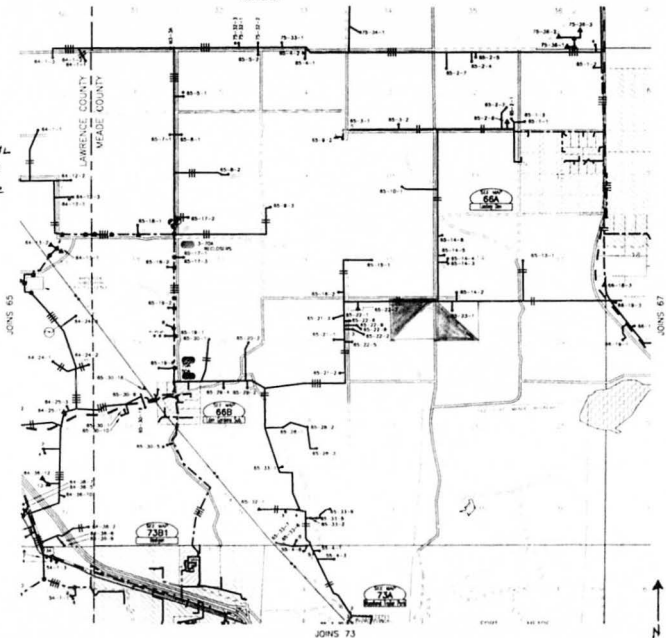


JOINS 57

Exhibit E

Red Shaded
Area to BHP&L

Blue shaded
Area to Butte
Electric

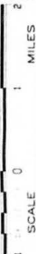


DRAWN BY: D.L. Kasper, ET II
 LAST REV: 1396
 LAST REV: January 13, 1995
 FILE NAME: BERTID/DWG

BOSMOR ELECTRIC POWER COOPERATIVE
 ENGINEERING DEPARTMENT
 1715 Cornsard Street
 Rapid City, South Dakota



BUTTE ELECTRIC COOPERATIVE, INC.
 NEWELL, SOUTH DAKOTA
 SOUTH DAKOTA 15 BUTTE



1 2 3 4 5
 6 7 8 9 10
 11 12 13 14 15 16
 17 18 19 20 21 22 23 24 25
 26 27 28 29 30 31 32 33 34
 35 36 37 38 39 40 41 42 43
 44 45 46 47 48 49 50 51 52
 53 54 55 56 57 58 59 60 61
 62 63 64 65 66 67 68
 69 70 71 72 73 74
 75 76 77 78 79 80
 81 82 83 84 85 86

DETAIL

COMPILED FROM USGS & DOT MAPS

COUNTY	MEADE
TOWNSHIP	6N
RANGE	5E
MAP #	66



Butte Electric Cooperative, Inc.

PO Box 137
109 S Dartmouth
Newell SD 57760-0137

Phone: (605) 456-2494
Fax: (605) 456-2496

December 19, 1996

Norris Rovere
PO Box 608
Sturgis, SD 57785

Re: Territory Trade

Dear Norris:

As you are aware of, Butte Electric Cooperative, Inc. has been negotiating with Black Hills Power and Light Company to make a trade that would include transferring property you own from the service territory of Black Hills Power and Light to the service territory of Butte Electric. I am pleased to inform you, that we have been successful in negotiating such a trade. The legal description for the service territory included in the trade is and to be transferred to Butte Electric service territory is as follows:

NW1/4, Section 23, T6N, R5E

In order to finalize the trade and file the necessary documents with the Public Utilities Commission, we need your written approval of the trade. Please sign the acceptance of the trade found at the bottom of the letter and return the in the self addressed and stamped envelope provided. A copy of this letter is being included for your records.

Thank you for your attention to this matter.

Sincerely,

BUTTE ELECTRIC COOPERATIVE, INC.

Handwritten signature of David L. Zwetzig in cursive.

David L. Zwetzig
Manager of Operations and Engineering

ACCEPTANCE

I, Norris Rovere, give my approval to Black Hills Power and Light Company to trade the above described service territory to the service territory of Butte Electric Cooperative, Inc.

Handwritten signature of Norris Rovere in cursive, underlined.



Butte Electric Cooperative, Inc.

PO Box 137
109 S Dartmouth
Newell SD 57760-0137

Phone: (605) 456-2494
Fax: (605) 456-2496

December 26, 1996

Steve Baker
23190 Radar Hill Road
Rapid City, SD 57701

Re: Service Territory Trade

Dear Mr. Baker:

Butte Electric Cooperative, Inc. and Black Hills Power and Light Company have been involved in discussions concerning service territory. One of our goals is to "square up" up territory lines. On your property located in Section 22, T6N, R5E, the current territory line runs diagonally across the NE1/4, which makes it difficult to physically locate the actual territory line. Butte Electric has no services in this area and has agreed to transfer its portion of the NE1/4 to Black Hills Power and Light. Therefore, this would allow Black Hills Power and Light to serve the entire NE1/4, Section 22, T6N, R5E.

We have assumed that you would have no objection to this transfer since Butte Electric is not providing nor has provided any electrical service to this area. However, in order to finalize the transfer of territory and file the necessary documents with the Public Utilities Commission, we are requesting that you give your approval of the transfer by signing the acceptance of the transfer of territory to Black Hills Power and Light found at the bottom of this letter. Please return the signed letter in the self address and stamped envelope provided. A copy of the letter is included for your records.

Thank you for your attention to this matter.

Sincerely,

BUTTE ELECTRIC COOPERATIVE, INC.

David L. Zwetzig
Manager of Operations and Engineering

ACCEPTANCE

I, Steve Baker, acknowledge that I have been advised of the intent to transfer territory and give my approval to Butte Electric Cooperative, Inc. to transfer the above described service territory to the service territory of Black Hills Power and Light Company.

BLACK HILLS POWER AND LIGHT COMPANY

145 E Hudson
SPEARFISH, SOUTH DAKOTA 57783

EL 96-021

TELEPHONE

(605) 642-2663

July 14, 1997

South Dakota Public Utilities Commission
William Bullard, Executive Director
500 East Capitol
Pierre, SD 57501

RECEIVED
JUL 16 1997
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

RE: Territory Trade

Dear Mr. Bullard:

Black Hills Power and Light and Butte Electric Cooperative, Inc. have agreed to the attached territory trades.

The trade agreement is in response to a complaint filed by Ray and Beverly Nordstrom (EL96-021) and the agreed trade will close this issue with a satisfactory solution for all parties involved. Appropriate exhibits that define the trade areas are included, along with the approvals of the respective land owners.

This letter is included as part of the attached exhibits, and constitutes Black Hills Power and Light's formal acceptance of the proposed territory trades.

Thank you for your assistance in this matter. Please contact me if you have any questions on the above matter.

Sincerely,


Michael A. Shultz
Spearfish District Manager

cc: Jim Mattern
Dave Zwetzig


Black Hills Power & Light
Energy. for a lifetime.



Butte Electric Cooperative, Inc.

PO Box 137
109 S Dartmouth
Newell SD 57760-0137

Phone: (605) 456-2494
Fax: (605) 456-2496

July 9, 1997

South Dakota Public Utilities Commission
Bill Bullard, Executive Director
500 East Capitol
Pierre, SD 57501

RECEIVED
JUL 16 1997
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Re Territory Trade PUC Docket EL96-021, BEC No. TT97-2

Dear Mr. Bullard

Butte Electric Cooperative, Inc. and Black Hills Power and Light Company have agreed to the attached territory trade

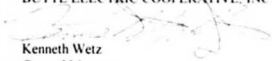
This Trade Agreement is in response to the complaint filed by Raymond and Beverly Nordstrom (EL96-021) and should bring that issue to a conclusion. Exhibits are included to identify the areas of trade as well as approvals from the appropriated landowners.

This letter, along with the attached Description of Trade Agreement and supporting Exhibits, constitutes Butte Electric Cooperative's formal acceptance of these territory trades

Thank you for your assistance in this matter. If you need anything further to formalize this agreement, please advise and I will do my best to provide it

Sincerely,

BUTTE ELECTRIC COOPERATIVE, INC



Kenneth Wetz
General Manager


DESCRIPTION OF TRADE AGREEMENT

TRADE AGREEMENT - PUC Docket EL96-021, BEC No. TT97-2

- 1 Black Hills Power and Light Company agrees to trade to the territory of Butte Electric Cooperative, Inc
 - a Lots 1-7 of Block 12 of Mountain Shadows Estates and located in the SW1/4SE1/4, Section 19, T6North, Range 3 East. See Exhibit #1.
 - b S1/2SE1/4, Section 27, NE1/4, Section 34, W1/2, Section 35, all in Township 6 North, Range 4 East, Commonly referred to as the Nellie Terrill Development See Exhibit #2
- 2 Butte Electric Cooperative, Inc. agrees to trade to the territory of Black Hills Power and Light Company
 - a Lot 2 (Bk 2 Pg 44) and Lot 3A (Bk 2 Pg 60) NE1/4NW1/4, Section 14, Township 6 North, Range 2 East This area is also described as Lot 1, portion of Lot 2, Lot 3A, portion of Lot 7, portion of Lot 8, and portion of Open Space of Block 13 of the preliminary plat of Sandstone Hills Subdivision, Located in the NE1/4, Section 14, Township 6 North, Range 2 East See Exhibit #3
 - b Lot 8 of Block 11, and portion of Lot 15 of Block 12 that lies contiguous to Sandstone Hills Subdivision, Located in the SE1/4, Section 11, Township 6 North, Range 2 East See Exhibit #3
 - c The North 440 feet ± of the NE1/4, Section 14, Township 6 North, Range 2 East See Exhibit #3

Exhibit #1



 - To BEC

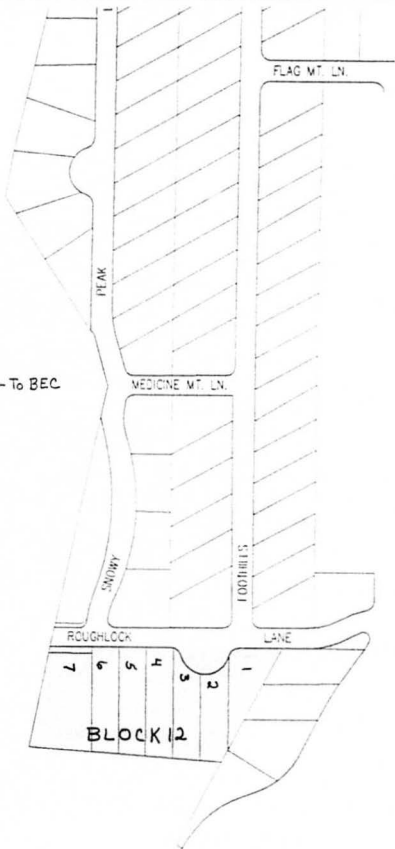
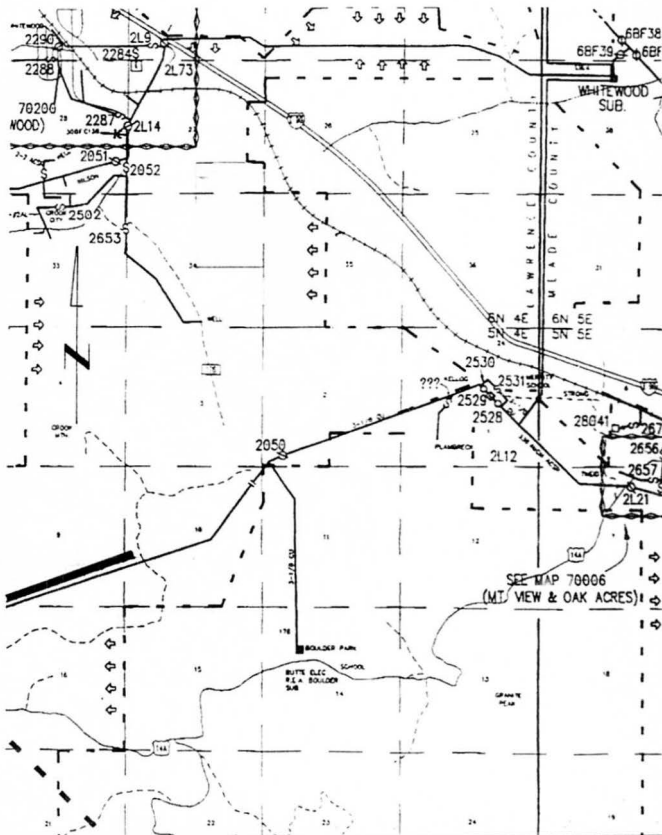


Exhibit #2

☐ - TO BE C





Butte Electric Cooperative, Inc.

PO Box 137
109 S Dartmouth
Newell SD 57760-0137

Phone: (605) 456-2494
Fax: (605) 456-2496

May 30, 1997

Michael Dusenbury
Rt 2, Box 59
Whitewood, SD 57785

Re Territory Trade

Dear Mr. Dusenbury:

Under a previous arrangement with Black Hills Power and Light, we have been providing you with electrical service to accounts located in Lot A-1 & Lot A-2, Section 35, T6N, R4E of the Nellie Terrill Subdivision which is currently located in Black Hills Power & Light service territory. As a result of discussions with Black Hills Power and Light, they are prepared to trade the territory in which the services are located to Butte Electric Cooperative, Inc.

For a territory trade to be concluded, all affected parties need to agree. In this case, Butte Electric and Black Hills Power and Light have agreed to the trade. We need your written approval in order to proceed with filing the territory trade documents with the Public Utilities Commission. Therefore, we are requesting that you sign the acceptance of the territory trade at the bottom of this letter and return it to us in the self addressed and stamped envelope provided. Thank you for your cooperation in regards to this matter.

Sincerely,

BUTTE ELECTRIC COOPERATIVE, INC.

David L. Zwetzig
Manager of Operations and Engineering

ACCEPTANCE

I, Michael Dusenbury, give my approval for Black Hills Power and Light Company to trade the above described territory to Butte Electric Cooperative, Inc.



Butte Electric Cooperative, Inc.

PO Box 137
109 S Dartmouth
Newell SD 57760-0137

Phone: (605) 456-2494
Fax: (605) 456-2496

May 30, 1997

Gene Inhoffer
PO Box 343
Sturgis, SD 57785

Re: Territory Trade

Dear Mr. Inhoffer

Under a previous arrangement with Black Hills Power and Light, we have been providing you with electrical service to an account located in Lot B, Tract 1, Section 34, T6N, R4E of the Nellie Terrill Subdivision which is currently located in Black Hills Power & Light service territory. As a result of discussions with Black Hills Power and Light, they are prepared to trade the territory in which the service is located to Butte Electric Cooperative, Inc.

For a territory trade to be concluded, all affected parties need to agree. In this case, Butte Electric and Black Hills Power and Light have agreed to the trade. We need your written approval in order to proceed with filing the territory trade documents with the Public Utilities Commission. Therefore, we are requesting that you sign the acceptance of the territory trade at the bottom of this letter and return it to us in the self-addressed and stamped envelope provided. Thank you for your cooperation in regards to this matter.

Sincerely,

BUTTE ELECTRIC COOPERATIVE, INC

David L. Zwezig
Manager of Operations and Engineering

ACCEPTANCE

I, Gene Inhoffer, give my approval for Black Hills Power and Light Company to trade the above described territory to Butte Electric Cooperative, Inc.



Butte Electric Cooperative, Inc.

PO Box 137
109 S Dartmouth
Newell SD 57760-0137

Phone: (605) 456-2494
Fax: (605) 456-2496

May 30, 1997

Justin Inhoffer
PO Box 343
Sturgis, SD 57785

Re Territory Trade

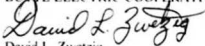
Dear Mr Inhoffer

Under a previous arrangement with Black Hills Power and Light, we have been providing you with electrical service to an account located in Lot B, Tract 1, Section 34, T6N, R4E of the Nellie Terrill Subdivision which is currently located in Black Hills Power & Light service territory. As a result of discussions with Black Hills Power and Light, they are prepared to trade the territory in which the service is located to Butte Electric Cooperative, Inc.

For a territory trade to be concluded, all affected parties need to agree. In this case, Butte Electric and Black Hills Power and Light have agreed to the trade. We need your written approval in order to proceed with filing the territory trade documents with the Public Utilities Commission. Therefore, we are requesting that you sign the acceptance of the territory trade at the bottom of this letter and return it to us in the self addressed and stamped envelope provided. Thank you for your cooperation in regards to this matter.

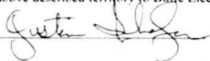
Sincerely,

BUTTE ELECTRIC COOPERATIVE, INC


David L. Zwetzig
Manager of Operations and Engineering

ACCEPTANCE

I, Justin Inhoffer, give my approval for Black Hills Power and Light Company to trade the above described territory to Butte Electric Cooperative, Inc.





Butte Electric Cooperative, Inc.

PO Box 137
109 S Dartmouth
Newell SD 57760-0137

Phone: (605) 456-2494
Fax: (605) 456-2496

May 30, 1997

Joe B. Jorgensen
905 Stagebarn Circle
Spearfish, SD 57783

Re: Territory Trade

Dear Joe:

We discovered an error in the territory line running through Sandstone Hills Subdivision when preparing the final trade documents for the PUC. As a result, I need to redefine the trade and have you sign this revised letter of acceptance to submit to the PUC.

The legal description for the lots in question is as follows:

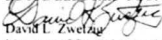
- A. Lot 2 (Bk 2, Pg 44) and Lot 3A (Bk 2, Pg 60), NE1/4NW1/4, Section 14, Township 6 North, Range 2 East. This area is also described as Lot 1, portion of Lot 2, Lot 3A, portion of Lot 7, portion of Lot 8 and portion of Open Space of Block 13, of the preliminary plat of Sandstone Hills Subdivision located NE 1/4, Section 14, Township 6 North, Range 2 East.
- B. The north 440' of the NE1/4, Section 14, Township 6 North, Range 2 East.

Please have the appropriate individuals sign the acceptance of the trade found at the bottom of this letter and then return it in the self-addressed and stamped envelope provided. I apologize for any inconvenience this may cause, but it is important that we get the information right in these situations.

Thank you for your attention to this matter.


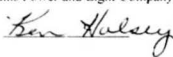
Sincerely,

BUTTE ELECTRIC COOPERATIVE, INC.


David L. Zwelzow
Manager of Operations and Engineering

ACCEPTANCE

We, the undersigned, give our approval to Butte Electric Cooperative, Inc. to trade the above described service territory to the service territory of Black Hills Power and Light Company.



Butte Electric Cooperative, Inc.

PO Box 137
109 S Dartmouth
Newell SD 57760-0137

Phone: (605) 456-2494
Fax: (605) 456-2496

May 30, 1997

Michael Johnson
PO Box 63
Sturgis, SD 57785

Re: Territory Trade

Dear Mr. Johnson:

Under a previous arrangement with Black Hills Power and Light, we have been providing you with electrical service to an account located in Lot B, Tract 1, Section 27, T6N, R4E of the Nellie Terrill Subdivision which is currently located in Black Hills Power & Light service territory. As a result of discussions with Black Hills Power and Light, they are prepared to trade the territory in which the service is located to Butte Electric Cooperative, Inc.

For a territory trade to be concluded, all affected parties need to agree. In this case, Butte Electric and Black Hills Power and Light have agreed to the trade. We need your written approval in order to proceed with filing the territory trade documents with the Public Utilities Commission. Therefore, we are requesting that you sign the acceptance of the territory trade at the bottom of this letter and return it to us in the self addressed and stamped envelope provided. Thank you for your cooperation in regards to this matter.

Sincerely,

BUTTE ELECTRIC COOPERATIVE, INC.


David L. Zwetzig
Manager of Operations and Engineering

ACCEPTANCE

I, Michael Johnson, give my approval for Black Hills Power and Light Company to trade the above described territory to Butte Electric Cooperative, Inc.





Butte Electric Cooperative, Inc.

PO Box 137
109 S Dartmouth
Newell SD 57760-0137

Phone: (605) 456-2494
Fax: (605) 456-2496

May 30, 1997

Dean Miller
PO Box 478
Sturgis, SD 57785

Re: Territory Trade

Dear Mr. Miller

Under a previous arrangement with Black Hills Power and Light, we have been providing you with electrical service to an account located in Lot A, Tract 1, Section 27, T6N, R4E of the Nellie Terrill Subdivision which is currently located in Black Hills Power & Light service territory. As a result of discussions with Black Hills Power and Light, they are prepared to trade the territory in which the service is located to Butte Electric Cooperative, Inc.

For a territory trade to be concluded, all affected parties need to agree. In this case, Butte Electric and Black Hills Power and Light have agreed to the trade. We need your written approval in order to proceed with filing the territory trade documents with the Public Utilities Commission. Therefore, we are requesting that you sign the acceptance of the territory trade at the bottom of this letter and return it to us in the self addressed and stamped envelope provided. Thank you for your cooperation in regards to this matter.

Sincerely,

BUTTE ELECTRIC COOPERATIVE, INC.

David L. Zwetzig
Manager of Operations and Engineering

ACCEPTANCE

I, Dean Miller, give my approval for Black Hills Power and Light Company to trade the above described territory to Butte Electric Cooperative, Inc.



Butte Electric Cooperative, Inc.

PO Box 137
109 S Dartmouth
Newell SD 57760-0137

Phone: (605) 456-2494
Fax: (605) 456-2496

December 17, 1996

Raymond and Beverly Nordstrom
230 Fairway
Spearfish, SD 57783

Re: Mountain Shadows Territory Trade

Dear Ray and Beverly:

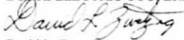
As you have already been made aware of, Butte Electric Cooperative, Inc. and Black Hills Power and Light Company have worked out a territory trade agreement that allows for Butte Electric to provide electrical service to Lots 1-7 of Block 12 of Mountain Shadows Estates. These lots are located in SW1/4SE1/4, Section 19, T6NR3E.

In order to finalize the agreement and file the necessary documents with the Public Utilities Commission, we also need your written approval of the territory trade. Please sign the acceptance of the territory trade at the bottom of this letter and return it in the self addressed and stamped envelope provided. Once this trade is finalized, it will ensure that Butte Electric will be the electrical energy provider for all of Mountain Shadows Estates as it is currently platted.

Thank you for your attention to this matter.


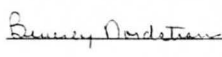
Sincerely,

BUTTE ELECTRIC COOPERATIVE, INC.


David L. Zwetzig
Manager of Operations and Engineering

ACCEPTANCE

I, Raymond Nordstrom and Beverly Nordstrom, give my approval to Black Hills Power and Light Company to trade the above described territory to Butte Electric Cooperative, Inc.



Butte Electric Cooperative, Inc.

PO Box 137
109 S Dartmouth
Newell SD 57760-0137

Phone: (605) 456-2494
Fax: (605) 456-2496

May 30, 1997

Larry Parsons
PO Box 866
Sturgis, SD 57785

Re: Territory Trade

Dear Mr. Parsons

Under a previous arrangement with Black Hills Power and Light, we have been providing you with electrical service to an account located in NE 1/4, Section 35, T6N, R4E of the Nellie Terrill Subdivision which is currently located in Black Hills Power & Light service territory. As a result of discussions with Black Hills Power and Light, they are prepared to trade the territory in which the service is located to Butte Electric Cooperative, Inc.

For a territory trade to be concluded, all affected parties need to agree. In this case, Butte Electric and Black Hills Power and Light have agreed to the trade. We need your written approval in order to proceed with filing the territory trade documents with the Public Utilities Commission. Therefore, we are requesting that you sign the acceptance of the territory trade at the bottom of this letter and return it to us in the self addressed and stamped envelope provided. Thank you for your cooperation in regards to this matter.

Sincerely,

BUTTE ELECTRIC COOPERATIVE, INC.

David L. Zwetzig
Manager of Operations and Engineering

ACCEPTANCE

I, Larry Parsons, give my approval for Black Hills Power and Light Company to trade the above described territory to Butte Electric Cooperative, Inc.



Butte Electric Cooperative, Inc.

PO Box 137
109 S Dartmouth
Newell SD 57760-0137

Phone: (605) 456-2494
Fax: (605) 456-2496



December 18, 1996

Harlan Schmidt
PO Box 1048
Spearfish, SD 57783

Re: Lookout Mountain Territory Trade

Dear Harlan:

Per your request of August 8, 1996 regarding electrical service to Block 8, Lot 11, we have been negotiating with Black Hills Power and Light Company for a territory trade that would include the transfer of this lot as well as the portion of lot 14 that are presently in Butte Electric service territory to the territory of Black Hills Power and Light. These lots lie contiguous to the Sandstone Hills Subdivision. I am pleased to inform you, that we have reached an agreement which includes these two lots as described as follows:

Block 8, Lot ¹¹ ~~11~~ ⁸ and pt Lot 14, ^{of Block 2} SE1/4, Section 11, T6NR2E *HLK*

In order to finalize the trade and file the necessary documents with the Public Utilities Commission, we need your written approval of the trade. Please sign the acceptance of the trade found at the bottom of this letter and return the letter in the self addressed and stamped envelope provided.

Thank you for your attention to this matter.

Sincerely,

BUTTE ELECTRIC COOPERATIVE, INC.

David L. Zwetzig
David L. Zwetzig
Manager of Operations and Engineering

ACCEPTANCE

I, Harlan A. Schmidt, give my approval to Butte Electric Cooperative, Inc. to trade the above described service territory to the territory of Black Hills Power and Light Company.

Harlan A. Schmidt



Butte Electric Cooperative, Inc.

PO Box 137
109 S Dartmouth
Newell SD 57760-0137

Phone: (605) 456-2494
Fax: (605) 456-2496

May 30, 1997

Stan Takahashi
1420 Ennen Drive
Rapid City, SD 57701-6613

Re Territory Trade

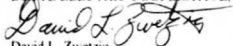
Dear Mr Takahashi

Under a previous arrangement with Black Hills Power and Light, we have been providing electrical service to all the accounts located in Nellie Terrill Subdivision which is currently located in Black Hills Power & Light service territory. As a result of discussions with Black Hills Power and Light, they are prepared to trade this territory to Butte Electric Cooperative, Inc. Since you have contacted Butte Electric Cooperative, Inc regarding electrical service into Lot A, Tact 2, Section 34, T6N, R4E of the Nellie Terrill Subdivision, we are advising you of this situation

For a territory trade to be concluded, all affected parties need to agree. In this case, Butte Electric and Black Hills Power and Light have agreed to the trade. We need your written approval in order to proceed with filing the territory trade documents with the Public Utilities Commission. Therefore, we are requesting that you sign the acceptance of the territory trade at the bottom of this letter and return it to us in the self addressed and stamped envelope provided. Thank you for your cooperation in regards to this matter.

Sincerely,

BUTTE ELECTRIC COOPERATIVE, INC


David L. Zwetzig
Manager of Operations and Engineering

ACCEPTANCE

I, Stan Takahashi, give my approval for Black Hills Power and Light Company to trade the above described territory to Butte Electric Cooperative, Inc.


 31 MAY 97

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

IN THE MATTER OF THE COMPLAINT FILED)	ORDER GRANTING
BY RAYMOND AND BEVERLY NORDSTROM,)	APPROVAL OF THE TRADE
SPEARFISH, SOUTH DAKOTA, AGAINST)	AGREEMENT; ORDER
BUTTE ELECTRIC COOPERATIVE, INC. AND)	DISMISSING COMPLAINT
BLACK HILLS POWER AND LIGHT)	AND CLOSING DOCKET
REGARDING ELECTRICAL SERVICE TO)	
CERTAIN LOTS IN MOUNTAIN SHADOWS)	EL96-021
MOBILE HOME PARK, SPEARFISH, SD)	

On August 30, 1996, the Public Utilities Commission (Commission) received a formal complaint from Raymond and Beverly Nordstrom, Spearfish, South Dakota, concerning electrical service to certain lots in Mountain Shadows Mobile Home Park. The issue in the complaint is which electric service provider, Butte Electric Cooperative, Inc. (Butte) or Black Hills Power & Light (BHP&L), should provide electrical service to seven lots located in Mountain Shadows Mobile Home Park in Spearfish, SD. The Nordstroms are requesting that the entire park be served by Butte Electric as it is already serving the other 318 lots in the park and the Nordstroms contend that this was the intention of docket EL94-025 which granted approval of a change in service territory between Butte and BHP&L.

Pursuant to ARSD 20 10 01 08 01 and 20 10 01 09, if a complaint cannot be settled without formal action, the Commission shall determine if the complaint shows probable cause of an unlawful or unreasonable act, rate, practice or omission to go forward with the complaint.

On October 8, 1996, at its regularly scheduled meeting, the Commission deferred action in this matter. At its regularly scheduled November 1, 1996, meeting the Commission found probable cause due to a factual dispute and directed the Executive Director to set a procedural schedule.

On December 16, 1996, the Commission received a letter with attached Exhibits A-1 through E-1, the written approval of the affected landowners, from BHP&L and Butte stating that the territory dispute had been resolved. The Nordstroms filed a letter with the Commission on January 2, 1997, asking that the complaint be dismissed. In February 1997, Commission staff discovered that the trade agreement contained an error and directed the parties to resolve it. On July 16, 1997, the parties filed a trade agreement that was acceptable to all parties. The filing included the written approval of the affected landowners.

The Trade Agreement listed the property at issue as follows:

1. BHP&L agrees to trade the following territory to Butte:

Lots 1-7 of Block 12 of Mountain Shadows Estates and located in the SW1/4SE1/4, Section 19, Township 6 North, Range 3 East, Lawrence County, South Dakota.

S1/2SF1/4, Section 27, NE1/4, Section 34, W1/2, Section 35, all in Township 6 North, Range 4 East, Commonly referred to as the Nellie Ternil Development, Lawrence County, South Dakota.

2. Butte agrees to trade the following territory to BHP&L:

Lot 2 (Bk 2 Pg 44) and Lot 3A (Bk 2 Pg 60) NE1/4NW1/4, Section 14, Township 6 North, Range 2 East. This area is also described as Lot 1, portion of Lot 2, Lot 3A, portion of Lot 7, portion of Lot 8, and portion of Open Space of Block 13 of the preliminary plat of Sandstone Hills Subdivision, located in the NE1/4, Section 14, Township 6 North, Range 2 East, Lawrence County, South Dakota.

Lot 8 of Block 11, and portion of Lot 15 of Block 12 that lies contiguous to Sandstone Hills Subdivision, located in the SE1/4, Section 11, Township 6 North, Range 2 East, Lawrence County, South Dakota.

The North 440 Feet ± of the NE1/4, Section 14, Township 6 North, Range 2 East, Lawrence County, South Dakota.

At its regularly scheduled July 29, 1997 meeting, the Commission considered this matter. Commission staff recommended approval of the trade agreement, dismissal of the complaint and that the docket be closed.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-34A, specifically 49-34A-55 and ARSD 20 10 01 07 01, 20 10 01 08 01 and 20 10 01 09. Further, the Commission finds that this agreement will promote the efficient use and development of the electric systems of the contracting electric utilities. The Commission therefore concludes that the Trade Agreement is in the public interest and that it shall be approved. The Commission further voted to dismiss the complaint and close the docket. It is therefore

ORDERED that the request for approval of the Trade Agreement as described herein is hereby granted and is effective for service rendered on and after the date of this order; it is further

ORDERED that the complaint be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 4th day of August, 1997.

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	<u>William Kalos</u>
Date	<u>8/4/97</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner