

EL97-017

EL 97-017

DOCKET NO.

**In the Matter of**

IN THE MATTER OF THE FILING BY  
THE TOWN OF PICKSTOWN AND  
CHARLES MIX ELECTRIC  
ASSOCIATION, INC. FOR APPROVAL  
OF LIMITED WAIVER OF SERVICE  
TERRITORY AGREEMENT

## Public Utilities Commission of the State of South Dakota

2006 年第 4 期

SEE SUPPLEMENT 5.114

9/15/97 Filed and Indexed;  
10/3/97 Open Meeting Approval of the Service Secretary Agreement,  
10/3/97 Pocket Close

EL 97-017

RECEIVED

SEP 05 1997

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

TOWN OF PICKSTOWN  
BOX 107  
PICKSTOWN, SD 57367-0107  
TELEPHONE & FAX: (605) 487-7553

SEPTEMBER 3, 1997

PUBLIC UTILITIES COMMISSION  
STATE OF SD  
500 E. CAPITOL  
PIERRE, SD 57501

RE: LIMITED WAIVER OF SERVICE TERRITORY AGREEMENT

Dear Public Utilities Commission:

Enclosed is a signed copy of a Limited Waiver of Service Territory Agreement between the Town of Pickstown and Charles Mix Electric for your approval. The agreement is self explanatory.

If you have any questions, please give me a call.

Sincerely,

*Bonnie Nielsen*

Bonnie Nielsen  
Finance Officer  
Town of Pickstown

### **Limited Waiver of Service Territory Agreement**

This Limited Waiver of Service Territory Agreement, dated as of August 18, 1997, ("Waiver"), is entered into by and between the Town of Pickstown, a town incorporated under the laws of the State of South Dakota (hereinafter referred to as "Pickstown"), and Charles Mix Electric Association, Inc., a rural electric cooperative (hereinafter referred to as "Cooperative").

#### **Recitals**

WHEREAS, the parties hereto entered into a certain Service Territory Agreement dated January 1, 1990, whereby the parties with the approval of the South Dakota Public Utilities Commission, defined their respective service areas relative to the boundaries of Pickstown all pursuant to SDCL 49-34A-55; and

WHEREAS, The United States Department of Army, Corps of Engineers, has determined that street lighting is required at the location of the spillway boat ramp, located south of Pickstown, South Dakota, as shown by the attached plats and maps; and

WHEREAS, said location within the territory is served by the Cooperative; however, the Cooperative's closest electrical service line is at least 2 miles from the location described above, and Pickstown has a current electrical service nearby; and

WHEREAS, various street lights and other electrical service are to be located at said location, all of which are within the territory served by the Cooperative; and

WHEREAS, Pickstown and the Cooperative agree that it is in their best interests as well as the best interest of the public that only one of the parties provide electrical services to the boat ramp so as to avoid unnecessary duplication of services and the expenses associated therewith;

#### **NOW, THEREFORE, THIS WAIVER WITNESSETH THAT:**

For and in consideration of the mutual benefits to be received by the parties hereto and in further consideration of the covenants, promises, and provisions herein contained, it is hereby agreed and stipulated that

#### **1.**

Pickstown shall provide electrical services to a metering and connection point as constructed and located in the Cooperative's territory, to-wit: The Southwest Quarter (SW¼) of 9-95-65, as is more fully shown by the attached maps, and shall thereby provide electrical services to the street lights illuminating the aforesaid boat ramp, as well as any future electrical expansion in the boat ramp area, that may, from time to time, be required by the United States Department of Army, Corps of Engineers. Such electrical services shall be provided at such rates as Pickstown shall have established or may subsequently establish.

2.

The Cooperative hereby waives its rights and privileges under the Service Territory Agreement dated January 1, 1990, solely and for the limited purpose of allowing Pickstown to serve the street lights to be located in the Cooperative's territory near the spillway boat ramp or any other future expansion by the United States Department of Army, Corps of Engineers, as is shown by the attached plat and map, which is incorporated herein by this reference thereto.

3.

This waiver shall continue indefinitely until such time as the Cooperative shall elect, pursuant to this provision to revoke this Waiver. Such revocation shall be effective 120 days following receipt of written notice of revocation provided to Pickstown by the Cooperative. The Cooperative may exercise its right of revocation at any time and for any reason subject only to the 120 day notice stated above.

4.

The parties hereto contemplate that the United States Department of Army, Corps of Engineers will construct all necessary electrical facilities from and after the metering and connection point and neither the Cooperative nor Pickstown shall have any responsibility or liability relating to the facilities to be constructed, installed, maintained, operated, or provided by the United States Department of Army, Corps of Engineers.

5.

This Waiver is subject to the approval of the South Dakota Public Utilities Commission under SDCL 49-34A-55 and related statutes and shall not be effective until such approval is granted.

IN WITNESS WHEREOF, the parties have executed this Waiver as of the date first written and subject to the approval of the South Dakota Public Utilities Commission. The officers signing for Pickstown represent that they are so authorized and that the Waiver has been approved by resolution of the Board of Trustees of Pickstown. The undersigned representatives of the Cooperative likewise represent that the Board of Directors of the Cooperative has approved this Waiver by resolution and has authorized its execution in the manner foregoing.

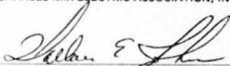
TOWN OF PICKSTOWN

  
By: President - Board of Trustees

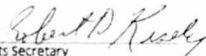
ATTEST: (SEAL)

  
Its Secretary

CHARLES MIX ELECTRIC ASSOCIATION, INC.

  
By: President - Board of Directors

ATTEST: (SEAL)

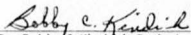
  
Its Secretary

**CONSENT BY US ARMY CORPS OF ENGINEERS**

The United States Army, Corps of Engineers, having received and considered the above and foregoing Limited Waiver of Service Territory Agreement, hereby gives its irrevocable consent to said Agreement and agrees that Pickstown may provide electrical power, as provided in the Agreement, within the Cooperative's area.

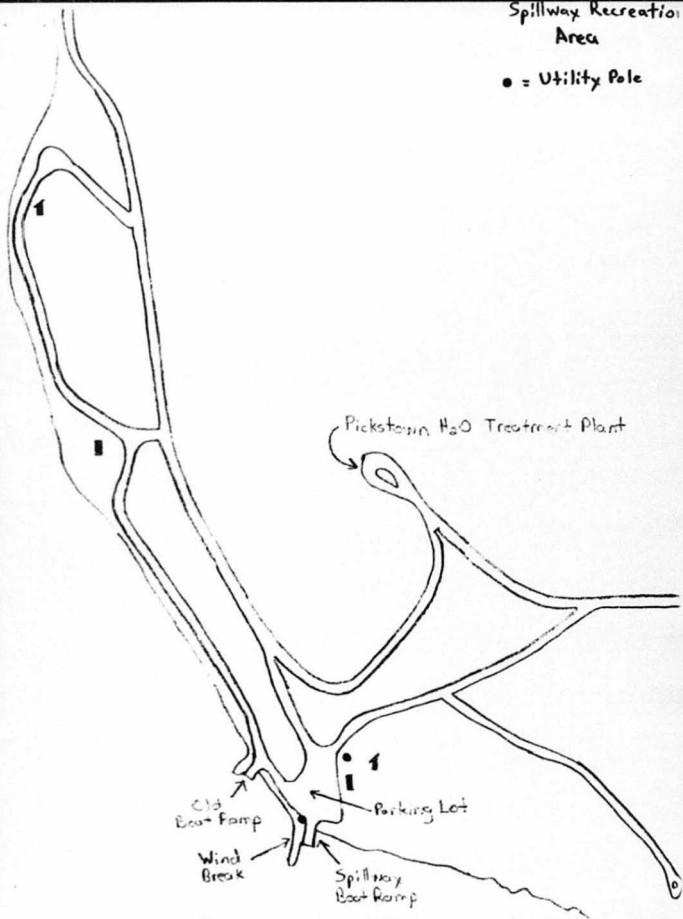
Dated this 21 day of Aug., 1997.

US ARMY CORPS OF ENGINEERS

  
By: Bobby C. Kendrick, Project  
Manager

Spillway Recreation  
Area

● = Utility Pole



**NEXT**

**DOCUMENT (S)**

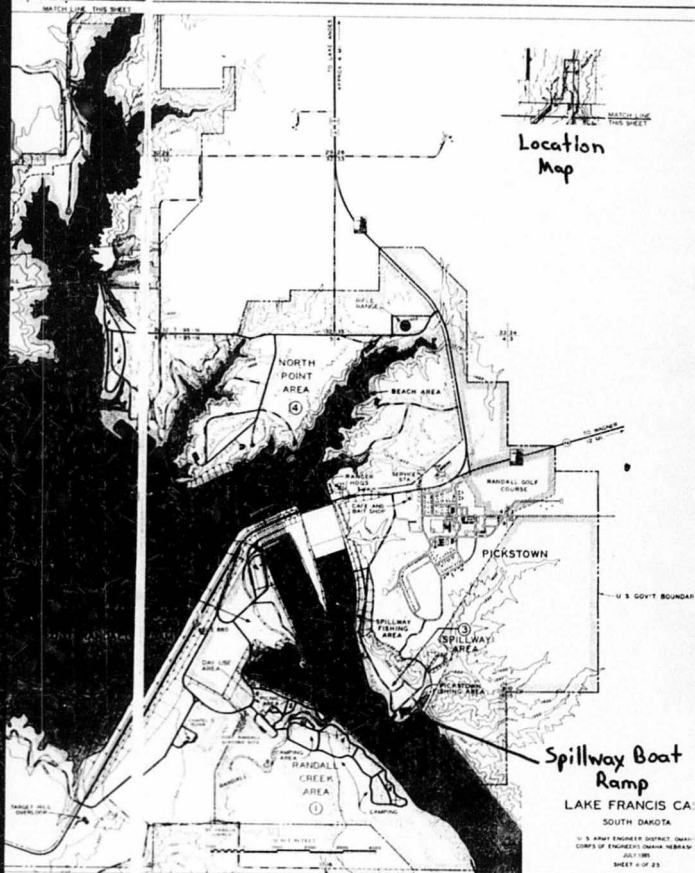
**DISREGARD**

**BACKGROUND**

NOTICE: Last page.

DATE: \_\_\_\_\_  
TIME: \_\_\_\_\_

## Location Map



pillway Boat  
Ramp  
LAKE FRANCIS CA  
SOUTH DAKOTA

U. S. ARMY ENGINEER DISTRICT, OMAHA  
CORPS OF ENGINEERS OMAHA, NEBRASKA  
JULY 1985  
SHEET 4 OF 25



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

IN THE MATTER OF THE FILING BY THE )  
TOWN OF PICKSTOWN, SOUTH DAKOTA, )  
AND CHARLES MIX ELECTRIC ASSOCIATION, )  
INC. FOR APPROVAL OF AN ELECTRIC )  
SERVICE TERRITORY AGREEMENT )

ORDER GRANTING  
APPROVAL OF THE  
SERVICE TERRITORY  
AGREEMENT  
EL97-017

On September 5, 1997, the Public Utilities Commission (Commission) received a filing by the Town of Pickstown, South Dakota, and Charles Mix Electric Association, Inc. for approval of an electric service territory agreement. The agreement is between the Town of Pickstown (Pickstown) and Charles Mix Electric Association, Inc. (CMEA). Both parties agreed that CMEA would give Pickstown the right to serve a boat ramp area operated by the United States Department of Army, Corps of Engineers. Both parties believe this agreement promotes efficiency and is in their best interests and the best interests of the public. The United States Department of Army, Corps of Engineers, as the affected customer, has been notified and, on August 18, 1997, signed the agreement between Pickstown and CMEA, consenting to the agreement.

The area of service rights affected by this Order is described as that territory currently in CMEA's territory described as: the Southwest Quarter (SW1/4) of Section 9, Township 95 North, Range 65 West, in Charles Mix County, South Dakota, and which is further known as a boat ramp area on the Missouri River including street lights illuminating the boat ramp, as well as any future electrical expansion in the boat ramp area that may, from time to time, be required by the United States Department of Army, Corps of Engineers.

On September 25, 1997, at its regularly scheduled meeting, the Commission considered the request for approval of the exchange. Commission staff recommended approval.

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 the waiver of service territory rights will promote efficiency and is in the best interests of Pickstown, CMEA, and the public. The Commission therefore concludes that the transfer of service rights is in the public interest and the request shall be granted. As the Commission's final decision in this matter, it is therefore

ORDERED that the request seeking approval of the agreement of limited waiver of service territory described herein and incorporated by reference shall be approved.

Dated at Pierre, South Dakota, this 30th day of October, 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 Hellaine Kelle

Date 10/7/97

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner

Laska Schoenfelder  
LASKA SCHOENFELDER, Commissioner