

EL 98-016

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DOCKET NO.

IN THE MATTER OF THE FILING BY  
LINCOLN UNION ELECTRIC COMPANY  
AND MIDAMERICAN ENERGY  
COMPANY FOR APPROVAL OF  
EXCEPTION TO SERVICE ON  
ASSIGNED AREAS

Public Utilities Commission of the State of South Dakota

MEMORANDA

*Approved by the Board of Directors  
of the Public Utilities Commission of South Dakota  
on 1/27/98*



**Lincoln-Union Electric Company**

200 1st St  
 Lincoln, NE 68501  
 Tel: (402) 476-1000  
 Fax: (402) 476-1000

**RECEIVED**

JUN 22 1998

**SOUTH DAKOTA PUBLIC  
 UTILITIES COMMISSION**

June 19, 1998

William Ballant, Executive Director  
 SD Public Utilities Commission  
 State Capitol  
 Pierre, SD 57501-4070

Dear Mr. Ballant:

Lincoln-Union Electric Company (LUEC) has received a request for three-phase electric service for approximately 320 acres of land by Mr. Harley Kats of Rock Valley, IA. His request is for a three-phase electric service in the Southeast Quarter of Section 23, Range 48 West, Township 96 North, of Lincoln County. This is in LUEC's service territory as established by our Territorial Agreement in 1976.

In order for LUEC to provide three-phase electric power to this location, a line extension of approximately 1.0 miles of three-phase line would be required. MidAmerican Energy has facilities across the road from Mr. Kats' proposed pumping site and is willing to provide three-phase electric service to that load. Mr. Kats has sent a letter (copy attached) in relation to this request which indicates that he would be acceptable to this transfer of service if an exception can be obtained from the South Dakota Public Utilities Commission (SD PUC).

We have enclosed a copy of the "Exception to Service on Assigned Areas" form and correspondence signed by both LUEC and MidAmerican indicating our agreement regarding electric service to this location. We believe that this exception meets the factors as outlined in SDCL 49-41A-15. As a result, we would like to request formal approval by the SD PUC on this matter. Given the fact that all parties are in agreement, we cannot foresee any difficulties and look forward to hearing from you in the near future. Based on my conversation with Mr. Kats he indicated that he has received verbal approval from the Department of Environment and Natural Resources, the Water Rights Program, for his irrigation permit. In my conversation with that Department and Program they likewise indicated that a written approval is awaiting signatures at this time.

If you have any questions about the exception or the materials provided, please give us a call.

*[Handwritten Signature]*

Scott Schaefer  
 Manager

Utility  
 Engineers  
 or Harley Kats

MidAmerican Energy, Rock Valley, IA

It is our purpose to irrigate 720 acres of  
the land in Lincoln county SD. The system  
which would all use the 480 volt  
single phase water for system was considered  
but would be a considerable extra cost and due to  
the nature of the water we are required to use two wells  
to get enough water and then the well Co wants  
to use submersible pumps, which are not made in  
"mountain" style.

Well American Energy has a service line running  
along the property that can serve the 3 phase need  
found to be required this territory be referred to  
Well Service for any service needs.

Thank  
Haley Post  
Cock Valley

EXCEPTION TO SERVICE ON ASSIGNED AREAS

As Agreed To Between

Lincoln-Union Electric Company  
PO Box 105 Hwy 11 North  
Alcester, SD 57001-0105

And

Mid-American Energy  
PO Box 183  
Rock Valley, Iowa 51247

Lincoln-Union Electric Company (LUEC) has assigned territorial rights to provide electric service to the Southeast Quarter of Section 23, Range 48 West, Township 96 North, Lincoln County

Under the conditions of this agreement, LUEC does hereby consent that Mid-American Energy may extend it's facilities into the above described service area to LUEC to provide electric service for an irrigation service.

This release is specifically limited to the said irrigation service for the life of the irrigating unit

This consent is not to be construed as having any impact upon or indicating a desire to change the service areas assigned by the South Dakota Public Utilities Commission. This agreement becomes effective upon its approval by the South Dakota Public Utilities Commission.

The foregoing is hereby made this 16th day of June 1998

Lincoln-Union Electric Company

By *Sherman Walters*  
Its President

We have reviewed the consent of LUEC for the undersigned to provide electric service under the provisions set forth therein and hereby indicate our concurrence with the consent granted to provide said irrigation with the required electric service.

Mid-American Energy

By *Jeff Talion*  
Its Design Tech



# Lincoln-Union Electric Company

PO Box 100  
Lincoln, NE 68501-0100  
Tel: (402) 479-1000 or (402) 334-2877 800 only  
Fax: (402) 479-1000

RECEIVED

JUN 22 1998

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

May 14, 1998

Jeff Trainor  
MidAmerican Energy  
Box 103  
Rock Valley, Iowa 51247

Dear Mr. Trainor:

Over the past 5 to 8 months I have been working with Mr. Harley Kats of Rock Valley, Iowa, on his needs for electric service. Mr. Kats would like three-phase electric service to an irrigation site on the southeast portion of Section 23, Range 40 West, Township 50 North in Lincoln County. This service territory is assigned to Lincoln-Union Electric Company (LUEC) as established by our original territorial agreement with Iowa Public Service Company or now called MidAmerican Energy. A copy of our map is enclosed indicating the approximate service location.

In order for LUEC to provide three-phase electric service to this irrigation site, a line extension of approximately 3 miles would be required. It is my understanding that MidAmerican Energy has a line just across the road from the above-described property. Mr. Kats has informed me that it is cost prohibitive for him to purchase a phase converter or a single-phase written pole motor so that LUEC could provide him with single-phase power.

LUEC has also indicated to Mr. Kats that it is cost prohibitive for us to build three miles of three-phase line to service his request for power. Mr. Kats is agreeable to receiving electric service from MidAmerican Energy for that service site only if an exception can be received from the South Dakota Public Utility Commission (SDPUC).

I have enclosed two copies of an "Exception to Service on Assigned Areas" form for MidAmerican to sign and return to LUEC. I will recommend to the Lincoln-Union Board to sign this document on June 16, 1998, at our regular monthly board meeting. This agreement is conditional upon Mr. Kats receiving the proper water permits from the South Dakota Department of Water and Natural Resources and providing a copy of said approval to both LUEC and MidAmerican Energy. I have also asked that Mr. Kats send me a note requesting this exception and approving of the change of power suppliers.

Once we have all of these materials finalized, we will send the forms, maps, and  
to the other side to the SDP LLC for final approval. At this time we cannot  
be sure any ways in this resignation.

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

Thank you,



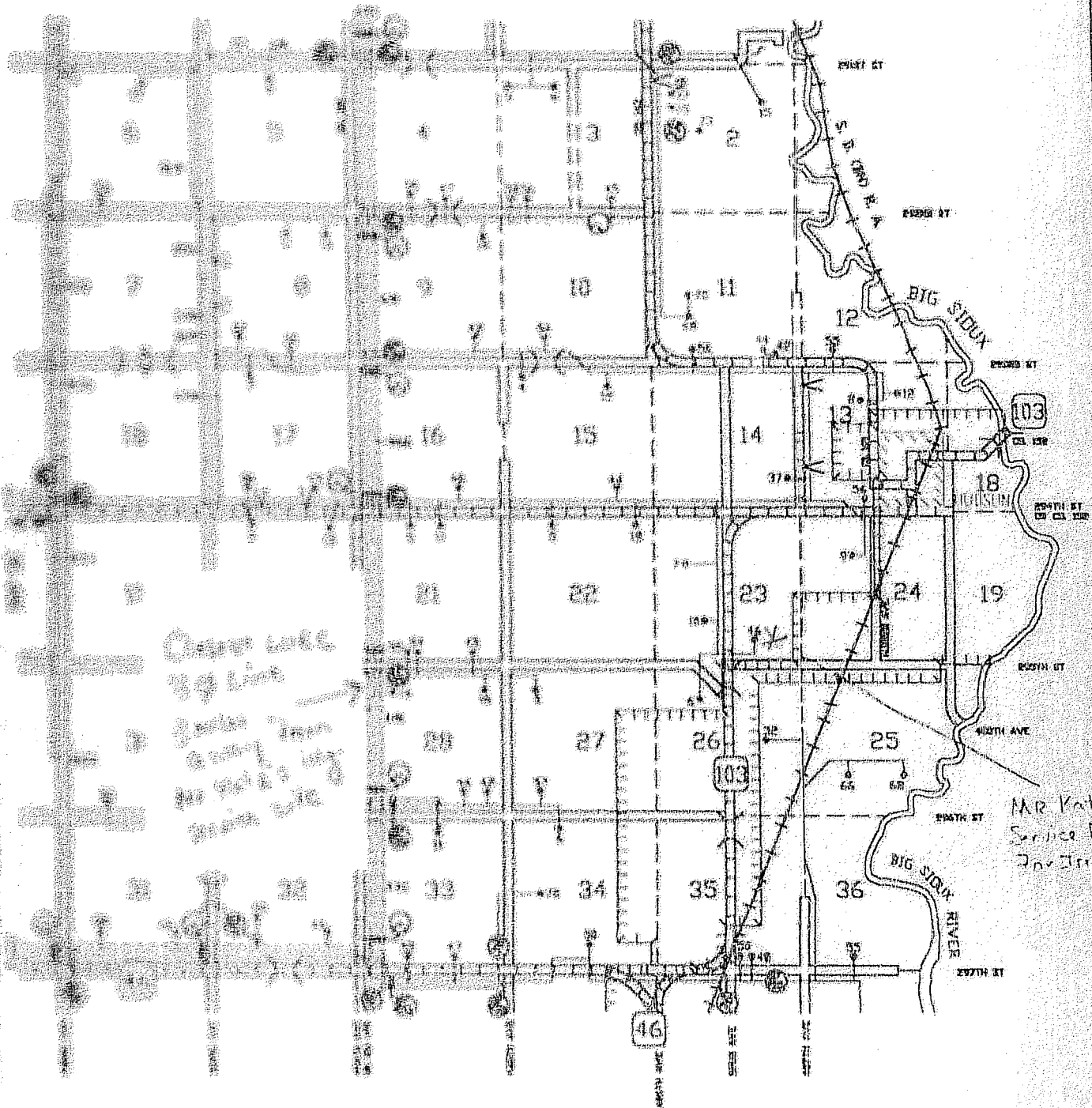
Gregory J. Schmitt

Manager

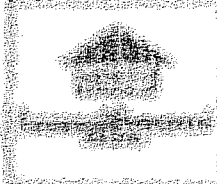
5/11/08

10

101 Henry Park



MAP 33



REVISIONS AND NOTES

1. [Illegible]

2. [Illegible]

3. [Illegible]

4. [Illegible]

5. [Illegible]

6. [Illegible]

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31. [Illegible]

32. [Illegible]

33. [Illegible]

34. [Illegible]

35. [Illegible]

36. [Illegible]

LINCOLN-LINCOLN ELECTRIC COMPANY  
 ALBANY, MINN. & LINCOLN, S.D.  
**SOUTH DAKOTA OF LINCOLN**

DETAIL MAP

STATE ACROSSY		TOWNSHIP		MAP NO.
SEL. DAK.	T 96 N	R 48 W	33	
LINCOLN	ELEM.			

DATE OF PLAN: [Illegible] MAP NO.: [Illegible] DATE: APRIL 1937



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FILING BY )  
LINCOLN UNION ELECTRIC COMPANY AND )  
MIDAMERICAN ENERGY COMPANY )  
REGARDING A SERVICE RIGHTS )  
AGREEMENT )

ORDER GRANTING  
APPROVAL OF SERVICE  
RIGHTS  
EL98-016

On June 22, 1998, the Public Utilities Commission (Commission) received a filing from Lincoln Union Electric Company of Alcester, South Dakota (LUEC) seeking approval of an agreement for a service rights exception. The purpose of the filing was to seek Commission approval for an exception to service of assigned areas. In its application LUEC states that current service territory of the applicants was assigned by the Commission "as established by our Territorial Agreement in 1976." Generally, the current agreement between LUEC and MidAmerican proposes that MidAmerican may extend service into the service area of LUEC to provide electrical service for an irrigation service requested by Mr. Harley Kats of Rock Valley, IA.

LUEC and MidAmerican have entered into an agreement entitled "Exception to Service to Assigned Areas," dated June 16, 1998, and have filed same along with maps delineating the affected territories.

The area to be served by MidAmerican is described as:

The Southwest Quarter of Section 23, Range 48 West, Township 96 North, Lincoln County.

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 service rights transfer 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 service territory transfer is hereby granted.

Dated at Pierre, South Dakota, this 24th day of July, 1998.



BY ORDER OF THE COMMISSION:

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner

Laska Schoenfelder  
LASKA SCHOENFELDER, Commissioner