



FAX Received JUN 05 2001

EL 01-012  
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JUN 06 2001

## AGREEMENT

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

For good and valuable consideration mutually acknowledged by the parties hereto, it is hereby agreed by and between **Dakota Energy, Inc. (Dakota)** and the **City of Miller, Hand County, South Dakota (Miller)**, as follows:

WHEREAS, Dakota Energy has heretofore provided electric service to a drive-in theater located immediately east of Miller, South Dakota, situated upon the following described real property, to-wit:

**Beginning at a point 38.4 feet south of the Northwest corner of Section Thirteen (13), Township One Hundred Twelve North (112N), Range Sixty-Eight (68), and extending North 711.7 feet to a point 250 feet South of the Center Line of the Highway 14 Running between Miller and St. Lawrence, South Dakota, thence East along a line parallel with said Highway 14 a Distance of 633 feet, from the Section Line Between Sections Eleven (11) And Twelve (12) in said Township, thence South 712.8 feet, thence West 633 feet to the point of beginning, said land being all located in Sections Twelve (12) and Thirteen (13) in said Township One Hundred Twelve North (112N), Range Sixty-Eight (68), West of the 5<sup>th</sup> P.M., Hand County, South Dakota.**

WHEREAS, the owner/operator of such real estate and drive-in theater wishes to have three phase electrical service provided to such real estate location, for the purpose of operating a drive-in theater at such location;

WHEREAS, Miller has three phase electrical service only a short distance from the subject location, and Dakota has no nearby three phase service;

WHEREAS, it is mutually advantageous to the owner/operator of the above premises to Dakota and to Miller that the provision of three phase service at such location for the purpose of operating a drive-in theater and the right to sell electrical energy to such customer at such location be transferred from Dakota to Miller;

WHEREAS, the owner/operator is also amenable to such transfer and the purchase of such three phase power from Miller;

THEREFORE, IT IS HEREBY AGREED:

1. Dakota consents to Miller providing three phase electrical service to the customer at the above described location for the purpose of operating a drive-in theater at such location.

**BLUE & HAEDER**  
Law Offices

239 Wisconsin Avenue SW  
Post Office Box 1111

2. Miller accepts such assignment and agrees to provide such three phase electrical service to the owner/operator for the purpose of operating a drive-in theater at such location.
3. The consents provided herein shall continue with reference to subsequent owners of the above premises who continue to operate a drive-in theater at such location.
4. Miller and Dakota agree that the assignment of territory as herein set forth shall not create any liability, on the part of Miller, for damages, if any, for any electrical service already provided to the owner/operator herein.
5. The service rights and the other provisions of this agreement are effective only if this agreement is approved, without modification, by the Public Utilities Commission.

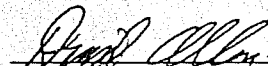
Dated this 31<sup>st</sup> day of May, 2001.

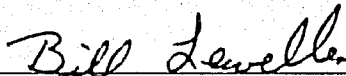


Dakota Energy Cooperative, Inc.

BY: Robert D. Rademacher,  
Manager and CEO

ATTEST:

  
Corporate Secretary

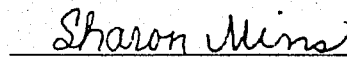


City of Miller, Hand County, SD

BY: Bill Lewellen

Its Utility Director

ATTEST:

  
City Finance Officer

**BLUE & HAEDER**  
Law Offices

239 Wisconsin Avenue SW  
Post Office Box 1414  
Huron, SD 57350-1414

5/30/01

To whom it may concern

I, Marvin Oligmueller, owner of the Midway Drive-In theatre in Miller, SD, agree to let the City of Miller serve my property, known as the Midway Drive-In, with three phase power.

Signed

*Marvin Oligmueller*

GREGORY G. REDIGER  
ATTORNEY AT LAW  
POST OFFICE BOX 12  
MILLER, SOUTH DAKOTA 57362

117 EAST THIRD STREET  
SUITE A  
TELEPHONE  
(605) 853-2125

FAX  
(605) 853-3972  
E-MAIL  
REDILAWTC@TURTLECREEK.NET

June 6, 2001

VIA FAX (#605) 773-3809  
& US MAIL SERVICE

Public Utilities Commission  
500 East Capitol  
Pierre, South Dakota 57501

Attn: Deb Elofson, Executive Director

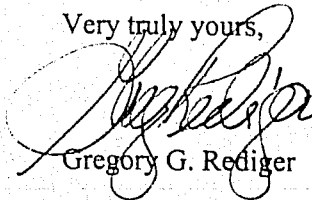
Re: Dakota Energy/City of Miller Agreement

Dear Ms. Elofson:

As attorney for the City of Miller, we are asking the Public Utilities Commission to approve a service rights exception regarding the "Agreement" signed by Dakota Energy, Inc., and the City of Miller, South Dakota, concerning a drive-in theater location on the east edge of Miller, South Dakota.

If you have any questions, please feel free to contact me. Thank you for your anticipated cooperation.

Very truly yours,



Gregory G. Rediger

GGR/cf

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SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

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ELOI-012

**BLUE & HAEDER**  
*Law Offices*

**ROBERT V. HAEDER**  
**GARY D. BLUE**

George Blue - Of Counsel  
Debbi R. Holmes - Associate

Post Office Box 1414  
239 Wisconsin Avenue SW #204  
Huron, South Dakota 57350-1414

**TELEPHONE**  
(605) 352-6783  
**FAX NUMBER**  
(605) 352-6855  
**IN STATE**  
1-800-858-6783

June 6, 2001

Public Utilities Commission  
ATTN: Deb Elofson, Executive Director  
500 East Capitol  
Pierre, SD 57501

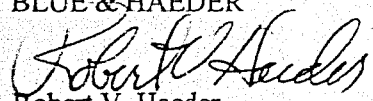
RE: Dakota Energy/City of Miller Agreement  
Regarding Service Rights Exception

Dear Ms. Elofson:

As attorney for Dakota Energy, we are asking the Public Utilities Commission to approve a service rights exception regarding the "Agreement" signed by Dakota Energy, Inc. and the City of Miller, South Dakota, concerning a drive-in theater location on the east edge of Miller, South Dakota.

Sincerely,

BLUE & HAEDER



Robert V. Haeder  
Attorney at Law

RVH/vs

Enclosure

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JUN 07 2001

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

**South Dakota Public Utilities Commission**  
**WEEKLY FILINGS**  
For the Period of May 31, 2001 through June 6, 2001

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact  
Delaine Kolbo within five business days of this filing. Phone: 605-773-3705 Fax: 605-773-3809

**ELECTRIC**

**EL01-011**      **In the Matter of the Filing by Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. for Approval of Revisions to its Occasional Power Purchase Non-Time Differentiated Rate 95, Short-Term Power Purchase Time Differentiated Rate 96 and Long-Term Power Purchase Time Differentiated Rate 97.**

Application by Montana-Dakota Utilities Co. for approval to revise Occasional Power Purchase Non-Time Differentiated Rate 95, Short-Term Power Purchase Time Differentiated Rate 96 and Long-Term Power Purchase Time Differentiated Rate 97. These Rates are proposed to be updated pursuant to the Commission's Order in Docket F-3365 which ordered annual review and revision.

Staff Analyst: Dave Jacobson  
Staff Attorney: Karen Cremer  
Date Docketed: 06/01/01  
Intervention Deadline: 06/29/01

**EL01-012**      **In the Matter of the Joint Request for Electric Service Territory Exception between Dakota Energy Cooperative, Inc. and the City of Miller.**

Dakota Energy Cooperative, Inc. and the City of Miller are jointly requesting a service rights exception pursuant to SDCL 49-34A-55. The service in question is located in sections 11,12 and 13, T112N, R68. The proposed service rights exception is requested in order to provide three phase electrical service to the location for the purpose of operating a drive-in theater.

Staff Analyst: Michele Farris  
Staff Attorney: Karen Cremer  
Date Docketed: 06/05/01  
Intervention Deadline: 06/18/01

**EL01-013**      **In the Matter of the Filing by the City of Watertown, South Dakota, for Approval to Modify Assigned Service Area between Codington Clark Electric Cooperative and the City of Watertown, South Dakota.**

As a result of a recent annexation, the City of Watertown has submitted a request for approval for the following service territory boundary change agreement between Codington Clark Electric Cooperative and the City of Watertown: The North 1035 feet of Government Lot 4 of Section 2, T116N, R53W of the 5th P.M., Codington County, SD; and all that part of the plat entitled "Railroad Addition in Section 2, 3 and 4, Township 116 North, Range 53 West of the 5th Principal Meridian the County of Codington" lying within the North 1035 feet of Government Lot 4 of Section 2, T116N, R53W of the 5th P.M., Codington County, SD; less the plat entitled "Lot H-3-NW1/4-2-T116N-R53W"; and subject to section line right of way.

Staff Analyst: Michele Farris  
Staff Attorney: Karen Cremer  
Date Docketed: 06/06/01  
Intervention Date: 06/22/01

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You may subscribe or unsubscribe to the PUC mailing lists at <http://www.state.sd.us/puc/>

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

IN THE MATTER OF THE JOINT REQUEST )  
FOR ELECTRIC SERVICE TERRITORY )  
EXCEPTION BETWEEN DAKOTA ENERGY )  
COOPERATIVE, INC. AND THE CITY OF )  
MILLER )

**ORDER GRANTING  
APPROVAL OF SERVICE  
RIGHTS EXCEPTION**

**EL01-012**

On June 5, 2001, the Public Utilities Commission (Commission) received a joint request from Dakota Energy Cooperative, Inc. (DEC) and the City of Miller (Miller) seeking approval of an agreement for a service rights exception. The purpose of the filing was to seek Commission approval for an exception to the existing electric service territorial agreement. According to the application, the agreement seeks an exception of service territory as the owner/operator of the drive-in theater wishes to have three phase electrical service provided for the purpose of operating a drive-in theater and Miller has three phase electrical service only a short distance from the location and DEC has no nearby three phase service. The service exception shall apply for as long as the property is used as a drive-in theater. The owner/operator is agreeable to such exception and the purchase of three phase power from Miller. The legal description is as follows:

Beginning at a point 38.4 feet south of the Northwest corner of Section Thirteen (13), Township One Hundred Twelve North (112N), Range Sixty-Eight (68), and extending North 711.7 feet to a point 250 feet South of the Center Line of Highway 14 running between Miller and St. Lawrence, South Dakota, thence East along a line parallel with said Highway 14 a Distance of 633 feet, from the Section Line between Sections Eleven (11) and Twelve (12) in said Township, thence South 712.8 feet, thence West 633 feet to the point of beginning, said land being all located in Sections Twelve (12) and Thirteen (13) in said Township One hundred Twelve North (112N), Range Sixty-Eight (68), West of the 5th P.M., Hand County, South Dakota.

On June 19, 2001, at its regularly scheduled meeting, the Commission considered the request for approval of a service rights exception. 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 service rights exception 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 a service rights exception is hereby granted.

Dated at Pierre, South Dakota, this 22<sup>nd</sup> day of June, 2001.

<b>CERTIFICATE OF SERVICE</b>	
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>Alicia Kelbo</u>
Date:	<u>6/25/01</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner