

EL 01-013

kc/m

EL 01-013

DOCKET NO. _____

In the Matter of — 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

Public Utilities Commission of the State of South Dakota

DATE	MEMORANDA
5/29 01	Received;
6/6 01	Docketed;
6/7 01	Weekly Filing;
7/27 01	Withdrawal of Territory Boundary Changes;
7/27 01	Docket Closed.

EL01-013

MUNICIPAL UTILITIES DEPARTMENT

901 Fourth Avenue Southwest

WATERTOWN, SOUTH DAKOTA 57201-4107

PHONE (605) 882-6233 • FAX (605) 882-6238

May 25, 2001

Mr. Martin C. Bettmann
Staff Engineer
Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, SD 57501-5070

RECEIVED

MAY 29 2001

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

RE: EL98-017 Agreement to Modify Assigned Service Area
between Codington Clark Electric Cooperative
and the City of Watertown

Dear Martin:

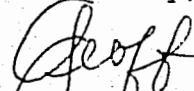
In accordance with the above referenced Agreement, and as a result of a recent annexation to the City of Watertown, we are filing the following service territory boundary change between Codington Clark and Watertown:

The North 1035' of Gov't Lot 4 of Section 2, 116N, R53 West of the 5th P.M., Codington County, South Dakota; 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 in the County of Codington" lying within the North 1035 feet of Gov't Lot 4 of Section 2, T116N, R53 West of the Fifth P.M., Codington County, South Dakota; less the plat entitled "Lot H-3-NW1/4-2-T116N-R53W"; and subject to section line right of way

If you should have any questions or require anything further in this regard, please let us know.

Thank you.

Sincerely,



H. G. Heig
Supt. of Utilities

HGH:jap

cc: Gene Ward, General Manager
Codington Clark Elect Coop

CITY OF WATERTOWN

23 Second St. NE • P.O. Box 910 • Watertown, South Dakota 57201-0910
FAX 605-882-5214 • Website: www.watertownsd.com



WATERTOWN
South Dakota's Rising Star

MEMO

DATE: May 17, 2001

TO: SD Sales Tax Division
Codington County Director of Equalization
Codington County Auditor
Municipal Utilities
Qwest
Midcontinent Communications

FROM: City Finance Office

SUBJECT: Annexation

Please find enclosed copy of the map of one annexation approved at the City Council meeting held May 7, 2001, involved the following property:

North 1035 feet of Gov't Lot 4 of 2-116-53 and part of Railroad Addition.

Should you have any questions, please contact Debbie at 882-6203 - Ext #30 in the Finance Office.

Thank You.

Mayor
605-882-6204

Municipal Airport
605-882-6209

Building & Plumbing
Inspection Dept.
605-882-6201

Mt. Hope Cemetery
605-882-6208

City Attorney
605-882-6200

Engineering Dept.
605-882-6202

Finance Office
605-882-6203
FAX 605-882-6218

Fire Department
605-886-4733
FAX 605-886-0795

Library
605-882-6220
FAX 605-882-6221

Park, Rec &
Forestry Dept.
605-882-6260
FAX 605-882-5204

Police Dept.
605-882-6210
FAX 605-882-6216

Public Works Dept.
605-882-6204

Solid Waste Dept.
605-882-6219

Street Dept.
605-882-6207

Watertown
Community
Recreation Center
605-882-6250
FAX 605-882-6254

Waste Water
Treatment Facility
605-882-6243
FAX 605-882-6242

RESOLUTION NO. 01-05

A RESOLUTION ANNEXING PROPERTY TO THE CITY OF WATERTOWN, SOUTH DAKOTA:

WHEREAS, Charles A. Redlin is the owner of all of the following described property:

The North 1035 feet of Gov't Lot 4 of Section 2, 116N, R53 West of the 5th P.M., Codington County, South Dakota; 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 in the County of Codington" lying within the North 1035 feet of Gov't Lot 4 of Section 2, T116N, R53 West of the Fifth P.M., Codington County, South Dakota; less the plat entitled "Lot H-3-NW1/4 2-T116N-R53W"; and subject to section line right of way

did petition the Mayor and the City Council of the City of Watertown, Codington County, South Dakota, to include the said property within the limits of the City pursuant to Section 9-4-1 SDCL 1967 and acts amendatory thereof, and

WHEREAS, there are no legal voters residing on the said property and that the property being annexed is contiguous to the City of Watertown and should be annexed thereto.

NOW, THEREFORE, BE IT RESOLVED by the City Council, City of Watertown, Codington County, South Dakota, that the Petition of Charles A. Redlin be and the same is hereby approved and the property above-described is hereby declared to be annexed to the City of Watertown, South Dakota, and that the said area be zoned as I-1 (Light Industrial), under the zoning ordinances of the City of Watertown.

The above and foregoing Resolution was moved for adoption by Alderman McPeck, seconded by Alderman Nygaard, and upon roll call all voted "aye", whereupon the Council President declared the same to be duly passed and adopted.

Dated at Watertown, South Dakota, this 7th day of May, 2001.

ATTEST:

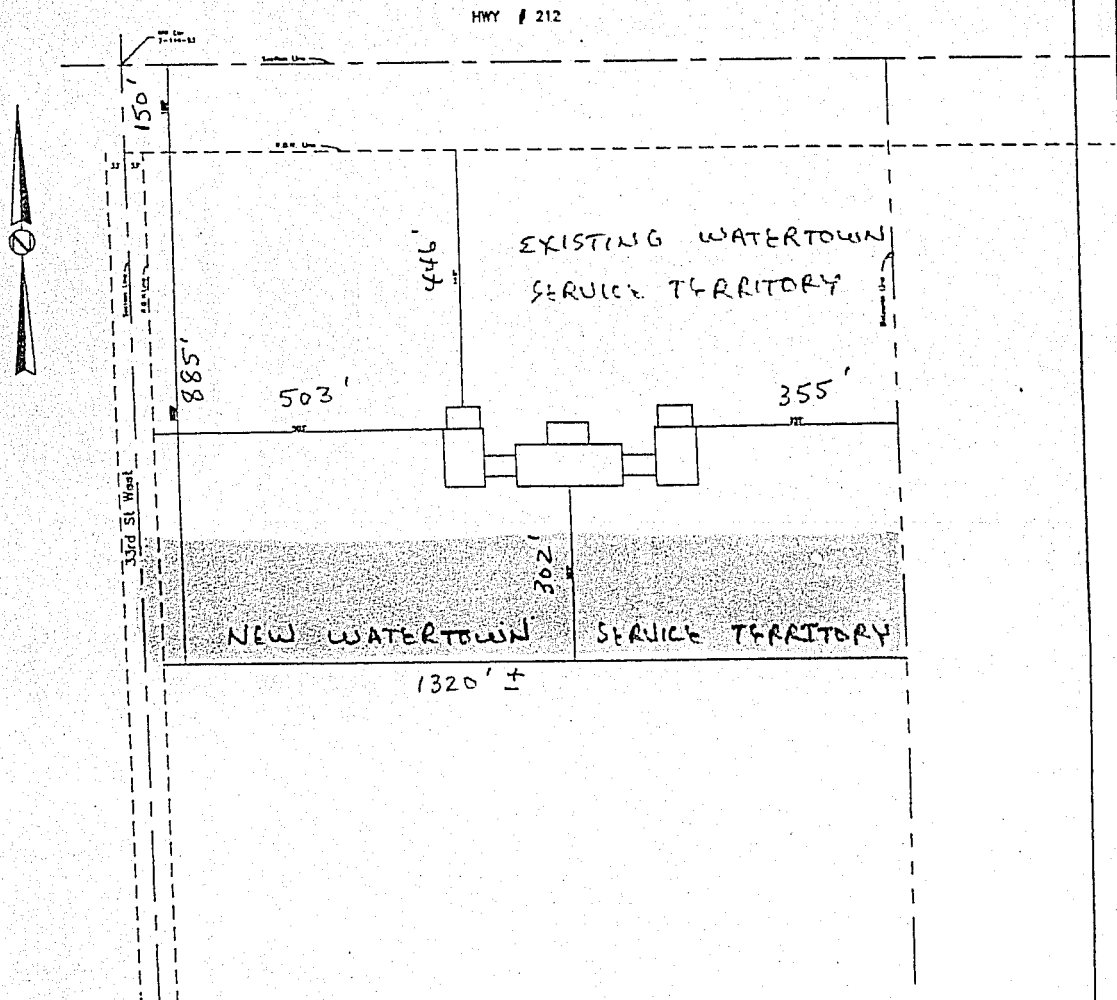
Tracy D. Turbak, CPA
Finance Officer

Brad Johnson
Council President

PUBLISH: May 19, 2001

LEGAL DESCRIPTION FOR ANNEXATION

The North 1035 feet of Gov't. Lot 4 of Section 2, T116N, R53 West of the 5th P.M., Codington County, South Dakota; 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 in the County of Codington" lying within the North 1035 feet of Gov't. Lot 4 of Section 2, T116N, R53 West of the Fifth P.M., Codington County, South Dakota; less the plat entitled "Lot H-3-NW 1/4 2-T116N-R53W"; and Subject to Section Line right of way.



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

You may receive this listing and other PUC publications via our website or via internet e-mail.
You may subscribe or unsubscribe to the PUC mailing lists at <http://www.state.sd.us/puc/>

MUNICIPAL UTILITIES DEPARTMENT

901 Fourth Avenue Southwest

WATERTOWN, SOUTH DAKOTA 57201-4107

PHONE (605) 882-6233

FAX (605) 882-6238

Ms. Michele M. Farris, PE
Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, SD 57501-5070

July 13, 2001

RECEIVED

JUL 16 2001

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

RE: EL01-013

Dear Michele:

In response to your letter request of June 7, 2001, in the above referenced docket, we herewith provide the following information:

1. There are no existing customers affected by this boundary change.
2. The current property owner is in agreement with the boundary change. Please see his attached letter dated June 25, 2001.
3. There are no facilities that will be sold as a result of the boundary change.
4. We have attached a map showing this annexation in relation to our current service territory.

Karen Cremer also asked for a copy of our agreement with Codington Clark Electric Cooperative covering these types of annexations, and a fully executed copy of the City Council Resolution approving this annexation. Both are included in the attached material.

We apologize for the delay getting this information to you. We have been waiting for the copy of the Resolution.

If you should have any questions, please let us know.

Thank you.

Sincerely,



H. G. HEIG
Supt. of Utilities

HGH:jap

Encl.

cc: Gene Ward, Manager
Codington Clark Electric Coop



1313 9th Avenue SW
Watertown, SD 57201
(605) 886-6262
Fax (605) 882-8415
raipublishing@dailypost.com

RECEIVED

JUL 16 2001

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

June 25, 2001

Geoff Heig, Superintendent
Watertown Municipal Utilities
901 4th Avenue SW
Watertown, SD 57201

Dear Mr. Heig:

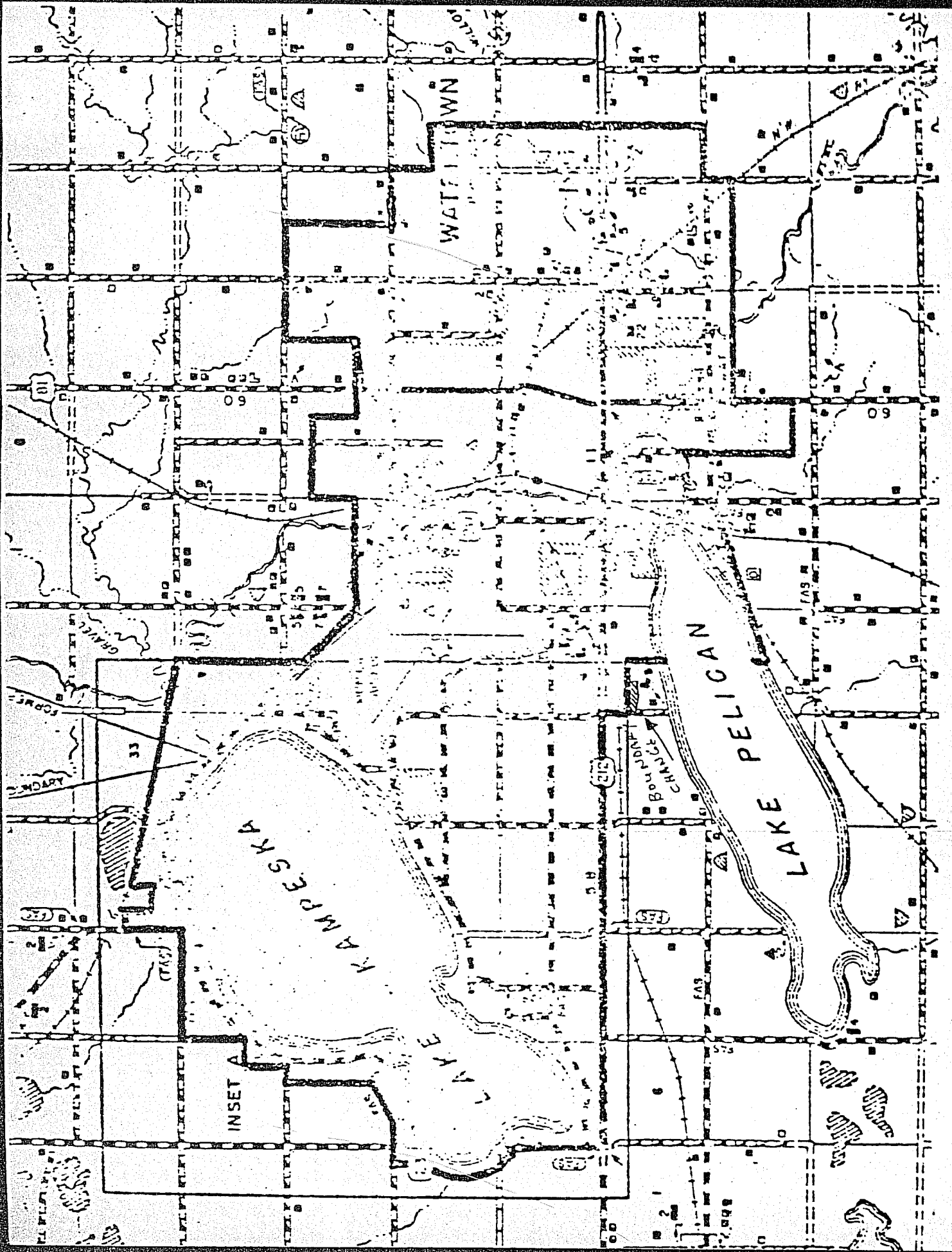
The undersigned, owner of property which has been annexed to the City of Watertown, Codington County, South Dakota, and upon which a building is being constructed on the South 200 Feet of the property being annexed hereby agrees to being included in the electric service territory of the Watertown Municipal Utilities and to being supplied to said electric utility by the Watertown Municipal Utility Department.

If there is anything further which is needed, please advise.

Yours very truly,

A handwritten signature in cursive script that reads 'Charles A. Redlin'.

Charles A. Redlin



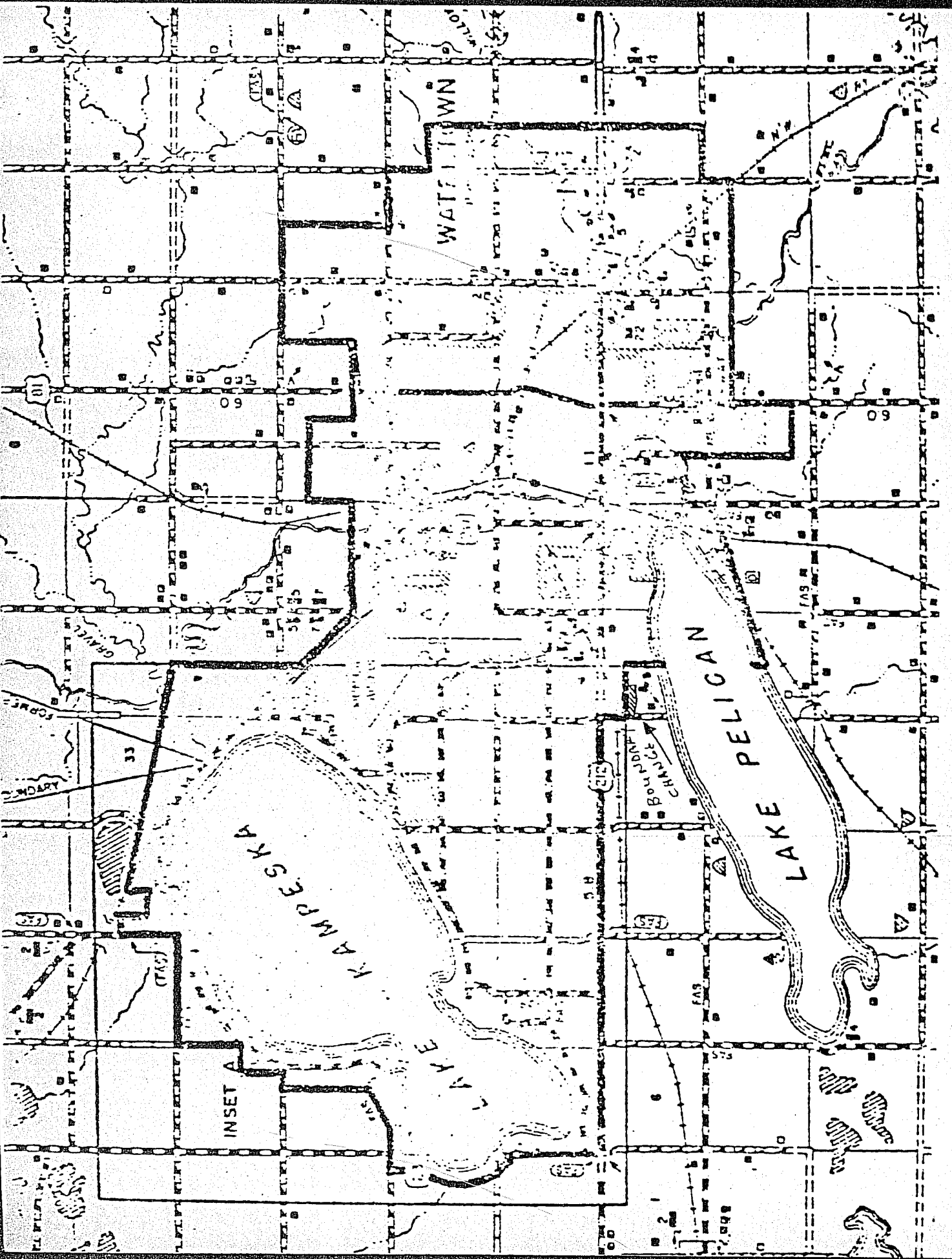
WATER TOWN

KAMPESKA

LAKE PELICAN

INSET A

CHURCH



BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FILING BY) ORDER APPROVING
CODINGTON-CLARK ELECTRIC) CHANGES IN SERVICE
COOPERATIVE, INC., AND THE CITY OF) AREA
WATERTOWN, SOUTH DAKOTA, FOR)
APPROVAL OF AGREEMENT TO MODIFY) EL98-017
ASSIGNED SERVICE AREA)

On June 20, 1998, the Public Utilities Commission (Commission) received a request from the City of Watertown (Watertown) seeking Commission approval of an agreement to modify assigned service area between Codington-Clark Electric Cooperative, Inc., and the City of Watertown. The request is a result of four annexations to Watertown resulting in boundary changes between the parties.

On July 23, 1998, at its regularly scheduled meeting, the Commission considered Watertown's request for approval of the agreement to modify assigned service area. 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 changes in service area are in the public interest and the request shall be granted. The Commission determined that the agreement should be amended to expire three years from July 23, 1998. Both parties agreed to amend the agreement to include this expiration date. As the Commission's final decision in this matter, it is therefore

ORDERED that the request seeking approval of changes in service area is hereby granted subject to the inclusion of the July 23, 2001, expiration date; and it is

FURTHER ORDERED, that the parties amend the agreement to expire on July 23, 2001, and submit it to the Commission.

Dated at Pierre, South Dakota, this 5th day of August, 1998.

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>Helene Kalbo</u>
Date:	<u>8/7/98</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

ADDENDUM TO AGREEMENT REGARDING
ASSIGNED SERVICE AREA

This Addendum is made this 27 day of July, 1998, to the
AGREEMENT TO MODIFY ASSIGNED SERVICE AREA BETWEEN CODINGTON-CLARK
ELECTRIC COOPERATIVE, INC., AND CITY OF WATERTOWN, SOUTH DAKOTA
dated December 3, 1993,

WITNESSETH:

WHEREAS, Codington Clark Electric Cooperative, Inc., and the
City of Watertown, South Dakota, on December 3, 1993, entered into
an agreement to modify assigned service area, and

WHEREAS, said agreement provided that the term thereof shall
be perpetual, and

WHEREAS, said agreement provided that the parties could
modify the same by mutual consent,

NOW, THEREFORE,

IN CONSIDERATION the mutual covenants herein contained, it is
agreed that the said agreement to modify assigned service area is
amended by providing that the term thereof shall expire after July
23, 2001.

In all other respects the terms of the said agreement dated
December 3, 1993, shall remain in full force and effect.

IN WITNESS WHEREOF the parties hereto have caused this
instrument to be executed the day and year first above written.

CITY OF WATERTOWN, SOUTH DAKOTA
(Municipal Utilities Department)

By: Richard L. Lapper
Its President

CODINGTON-CLARK ELECTRIC
COOPERATIVE, INC.

By: V. Le Roy Bergan
Its President

(CORPORATE SEAL)

AGREEMENT TO MODIFY
ASSIGNED SERVICE AREA BETWEEN
CODINGTON-CLARK ELECTRIC COOPERATIVE, INC.,
AND CITY OF WATERTOWN, SOUTH DAKOTA

THIS AGREEMENT made and entered into this 3rd day of December, 1993, by and between CODINGTON-CLARK ELECTRIC COOPERATIVE, INC., (Public Utility or Codington-Clark) and the CITY OF WATERTOWN, SOUTH DAKOTA (Electric Utility or City):

WITNESSETH:

WHEREAS, SDCL 49-34A-55 authorizes the adjustment of service rights between Municipalities and Electric Utility Cooperatives, subject to approval by the South Dakota Public Utilities Commission, and

WHEREAS, the parties hereto believe that the Agreement embodied herein will eliminate or reduce duplication of facilities which wastes resources and increases consumer costs, and that this Agreement will benefit consumers of the parties hereto, and promote the proper and efficient operation of such utility;

NOW, THEREFORE,

IN CONSIDERATION of the mutual covenants herein contained, City and Codington-Clark agree as follows:

1. ELECTRIC SERVICE AREA as used in this Agreement refers to the electric service areas as established under SDCL 49-34A-44.

2. City shall provide electric service to all meters, whether presently existing or hereafter installed, within its electric service area, except as provided for by paragraph 4 below. Codington-Clark shall serve no meters within such electric

service area, except as provided by paragraph 4 below.

3. Codington-Clark shall provide electric service to all meters, whether presently existing or hereafter installed, outside of the City's electric service area as defined in paragraph 1 above, and within the electric service area of Codington Clark, except as to areas hereinafter annexed by the City of Watertown, which shall be treated as provided in paragraph 4 below.

4. At any time the City hereafter annexes into the City of Watertown any area outside of its electric service area as defined in paragraph 1, Codington-Clark shall continue to serve all meters or services existing prior to the effective date of such annexation within its electric service area and City shall serve all meters or services thereafter installed within the annexed area. City further agrees that per SDCL 9-35-1 no franchise from the City shall be required in order for Codington-Clark to continue to serve such meters or services within the annexed area. In any such annexed area, City shall waive payment from Codington-Clark of the payments provided in SDCL 49-34A-46.

5. Codington-Clark waives its right to compensation from City as provided in SDCL 49-34A-50 for the City's acquisition by virtue of this Agreement of any area which was within the Codington-Clark service territory as of June 1, 1990, and which electric consumers pursuant to this Agreement are to be served by the City.

6. This Agreement shall be subject to the approval of the South Dakota Public Utilities Commission, and both parties agree

to use their best efforts to attempt to obtain such approval.
This Agreement will be perpetual unless otherwise modified by
written agreement of the parties.

IN WITNESS WHEREOF the parties have hereto caused this
instrument to be signed, sealed and delivered as of the day
and date first above written.

CITY OF WATERTOWN, SOUTH DAKOTA
(Municipal Utilities Department)

BY *Ronald D. Miller*
Its President
Municipal Utilities Department
City of Watertown

CODINGTON-CLARK ELECTRIC
COOPERATIVE, INC.

BY *Paul S. Hubbert*
Its President

(CORPORATE SEAL)

RESOLUTION NO. 01-05

A RESOLUTION ANNEXING PROPERTY TO THE CITY OF WATERTOWN, SOUTH DAKOTA:

WHEREAS, Charles A. Redlin is the owner of all of the following described property:

The North 1035 feet of Gov't Lot 4 of Section 2, 116N, R53 West of the 5th P.M., Codington County, South Dakota; 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 in the County of Codington" lying within the North 1035 feet of Gov't Lot 4 of Section 2, T116N, R53 West of the Fifth P.M., Codington County, South Dakota; less the plat entitled "Lot H-3-NW1/4 2-T116N-R53W"; and subject to section line right of way

did petition the Mayor and the City Council of the City of Watertown, Codington County, South Dakota, to include the said property within the limits of the City pursuant to Section 9-4-1 SDCL 1967 and acts amendatory thereof, and

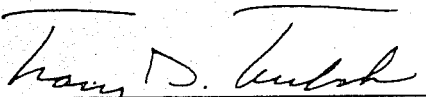
WHEREAS, there are no legal voters residing on the said property and that the property being annexed is contiguous to the City of Watertown and should be annexed thereto.

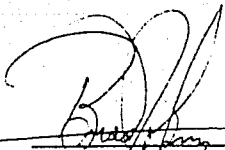
NOW, THEREFORE, BE IT RESOLVED by the City Council, City of Watertown, Codington County, South Dakota, that the Petition of Charles A. Redlin be and the same is hereby approved and the property above-described is hereby declared to be annexed to the City of Watertown, South Dakota, and that the said area be zoned as I-1 (Light Industrial), under the zoning ordinances of the City of Watertown.

The above and foregoing Resolution was moved for adoption by Alderman McPeek, seconded by Alderman Nygaard, and upon roll call all voted "aye", whereupon the Council President declared the same to be duly passed and adopted.

Dated at Watertown, South Dakota, this 7th day of May, 2001.

ATTEST:


Tracy D. Turbak, CPA
Finance Officer


Brad Johnson
Council President

I hereby certify that Res. 01-05 was published in the Watertown Public Opinion, the official newspaper of said City, on the 19th day of May, 2001 and an affidavit of publication is filed in the City Finance Office.

Tracy D. Turbak, CPA

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

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, INC. AND THE)
CITY OF WATERTOWN, SOUTH DAKOTA)

**ORDER APPROVING
TERRITORY
BOUNDARY CHANGES**

EL01-013

On May 29, 2001, the Public Utilities Commission (Commission) received a request from the City of Watertown, South Dakota (Watertown) seeking Commission approval of an Agreement to Modify Assigned Service Area between Codington-Clark Electric Cooperative, Inc. (Codington-Clark), and the City of Watertown. The request is a result of an annexation to Watertown resulting in boundary changes between the parties. Specifically, the area for consideration includes:

The North 1035 feet of Government Lot 4 of Section 2, T116N, R53W of the 5th P.M., Codington County, South Dakota; 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 in 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, South Dakota; less the plat entitled "Lot H-3-NW1/4-2-T116N-R53W"; and subject to section line right of way.

This boundary change would transfer the right to deliver power to the annexed area from Codington-Clark to Watertown.

On, July 24, 2001, at its regularly scheduled meeting, the Commission considered Watertown's request for approval of the Agreement to Modify Assigned Service Area. 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 territory boundary changes are in the public interest and the request should be granted. As the Commission's final decision in this matter, it is therefore

ORDERED, that the request seeking approval of the territory boundary changes relative to this recent annexation is hereby granted.

Dated at Pierre, South Dakota, this 27th day of July, 2001.

CERTIFICATE OF SERVICE	
<small>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.</small>	
By:	<u>Melaine Kelso</u>
Date:	<u>8/3/01</u>
<small>(OFFICIAL SEAL)</small>	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner