

BURNS LAW OFFICE

16 EAST KEMP — P.O. BOX 903
WATERTOWN, SOUTH DAKOTA 57201-0903

EL01-018

THOMAS F. BURNS, P.C.
FRANCIS C. BURNS

PHONE
(605) 886-6885
FAX
(605) 886-2899

July 5, 2001

Public Utilities Commission
500 E. Capitol Avenue
Pierre, SD 57501-5070

Attention: Pam Elofson

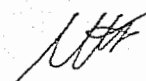
Re: Codington Clark Electric Cooperative and City of Watertown
Agreement Modifying Assigned Service Area

Dear Ms. Elofson:

Enclosed is the original and 10 copies of a PETITION FOR APPROVAL OF ADDENDUM TO AGREEMENT REGARDING ASSIGNED SERVICE AREA, and the original and ten copies of the ADDENDUM TO AGREEMENT REGARDING ASSIGNED SERVICE AREA between the City of Watertown and Codington Clark Electric Cooperative, Inc. dated June 21, 2001. Please advise me as to when this matter is placed on the docket. If there is anything further you require from me, please let me know. Thanks very much for your help.

Cordially yours,

BURNS LAW OFFICE


By: Thomas F. Burns
TFB/rs
enc.
cc: Gene Ward
Geoffrey Heig

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JUL 09 2001

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

START

OF

RETAKE

EL01-018

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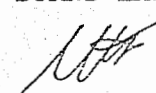
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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FILING BY *
CODINGTON-CLARK ELECTRIC * PETITION FOR APPROVAL
COOPERATIVE, INC., AND THE CITY OF * OF ADDENDUM TO
WATERTOWN, SOUTH DAKOTA, FOR * AGREEMENT REGARDING
APPROVAL OF AGREEMENT TO MODIFY * ASSIGNED SERVICE AREA
ASSIGNED SERVICE AREA *

Codington-Clark Electric Cooperative, Inc. states to the Commission and moves the Commission as follows:

1. On August 5, 1998, the Commission entered its Order Approving Changes in Service Area, docket number EL98-017, which approved an Agreement between Codington-Clark Electric Cooperative, Inc. and the City of Watertown regarding their assigned service area. The Commission conditioned its approval on the amendment of the Agreement to provide for the expiration of the Agreement on July 23, 2001.
2. The parties have entered into an Addendum to Agreement Regarding Assigned Service Area dated June 21, 2001, providing for the extension of the Agreement to July 23, 2004, which Addendum is filed herewith.
3. Petitioner requests approval of the Addendum.
4. This matter is governed by SDCL 49-34A-55.

WHEREFORE, Petitioner, Codington-Clark Electric Cooperative, Inc., petitions the Commission for its approval of the Addendum to Agreement Regarding Assigned Service Area dated June 21, 2001.

Dated this 5th day of July, 2001.

BURNS LAW OFFICE

BY 

Thomas F. Burns
Attorney for Petitioner
16 East Kemp - P.O. Box 903
Watertown, South Dakota 57201
(605)886-5885

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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

END

OF

RETAKE

ADDENDUM TO AGREEMENT REGARDING
ASSIGNED SERVICE AREA

This Addendum is made this 21 day of June, 2001, 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 parties could
modify the same by mutual consent, and

WHEREAS the parties amended the said agreement by Addendum
dated July 27, 1998, said Addendum modifying the term of the
agreement, and

WHEREAS the parties wish to extend the term of the said
agreement,

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 is extended
through and shall expire after July 23, 2004.

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: Dennis Solberg

Its President

CODINGTON-CLARK ELECTRIC
COOPERATIVE, INC.

By: Jerry D. Wick

Its President

(CORPORATE SEAL)

South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of July 5, 2001 through July 11, 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

EL01-018 In the Matter of the Filing for Approval of an Addendum to Agreement Regarding Assigned Service Area between Codington-Clark Electric Cooperative, Inc. and the City of Watertown, South Dakota.

On July 9, 2001, Codington Clark Electric Cooperative and the City of Watertown filed a joint request to the Commission for approval of an addendum to their agreement regarding assigned service area. On December 18, 1990, Codington Clark Electric Cooperative and the City of Watertown entered into an Agreement to Modify Assigned Service Area. The agreement was approved by the Commission on February 8, 1991. The agreement was modified on August 5, 1998, to include an expiration date of July 23, 2001. The current petition is to extend the existing agreement to July 23, 2004.

Staff Analyst: Michele Farris
Staff Attorney: Karen Cremer
Date Docketed: 07/09/01
Intervention Deadline: 07/27/01

TELECOMMUNICATIONS

TC01-092 In the Matter of the Filing for Approval of an Agreement for Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services and Resale of Telecommunication Services between Qwest Corporation and NOS Communications, Inc.

On July 6, 2001, the Commission received a Filing for Approval of an Agreement for Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services and Resale of Telecommunication Services between Qwest Corporation (Qwest) and NOS Communications, Inc. (NOS). According to the parties the agreement is a negotiated agreement which sets forth the terms, conditions and prices under which Qwest will provide services for resale to NOS for the provision of local telecommunication services. Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than July 26, 2001. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier
Date Docketed: 07/06/01
Initial Comments Due: 07/26/01

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FILING FOR) ORDER APPROVING
APPROVAL OF AN ADDENDUM TO) ADDENDUM TO
AGREEMENT REGARDING ASSIGNED) AGREEMENT REGARDING
SERVICE AREA BETWEEN CODINGTON-) ASSIGNED SERVICE AREA
CLARK ELECTRIC COOPERATIVE, INC. AND)
THE CITY OF WATERTOWN, SOUTH DAKOTA) EL01-018

On July 9, 2001, the Public Utilities Commission (Commission) received a request from Codington-Clark Electric Cooperative, Inc. (Codington) seeking Commission approval of an Addendum to Agreement Regarding Assigned Service Area between Codington and the City of Watertown. The Addendum is set to expire on July 23, 2004. On August 5, 1998, the Commission had approved an Agreement Regarding Assigned Service Area between Codington and the City of Watertown with the condition that the agreement expire on July 23, 2001.

On July 24, 2001, at its regularly scheduled meeting, the Commission considered Codington's request for approval of the Addendum to Agreement Regarding 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. The Commission clarified that the Addendum to Agreement Regarding Assigned Service Area does not permit the parties to modify their service area territory without Commission approval. As the Commission's final decision in this matter, it is therefore

ORDERED, that the request seeking approval of the Addendum to Agreement Regarding Assigned Service Area between Codington and the City of Watertown, set to expire on July 23, 2004, is hereby approved as filed.

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

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>Melaine Kalbs</u>
Date	<u>8/3/01</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman
Pam Nelson
PAM NELSON, Commissioner