

RE/m

EL 01-031

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DOCKET NO. _____

In the Matter of — IN THE MATTER OF THE FILING FOR APPROVAL OF AN ELECTRIC SERVICE TERRITORY AGREEMENT BETWEEN WEST RIVER ELECTRIC ASSOCIATION, INC. AND BLACK HILLS POWER


Public Utilities Commission of the State of South Dakota

DATE	MEMORANDA
11/28/01	<i>Filed and Docketed;</i>
11/29/01	<i>Public Filings;</i>
12/20/01	<i>Order Granting Approval of Electric Service Territory Agreement;</i>
12/20/01	<i>Docket Closed.</i>

EL 01-031



**West River Electric
Association, Inc.**

Your Touchstone Energy® Partner 

PO Box 412
Exit 109 & I-90
Wall, SD 57790-0412
Telephone: (605) 279-2135
Toll Free: 1-888-279-2135

PO Box 3486
3250 E. Hwy. 44
Rapid City, SD 57709-3486
Telephone: (605) 393-1500
Toll Free: 1-888-393-1500

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NOV 28 2001

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

November 21, 2001

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

Re: West River Electric Association (WREA) and Black Hills Power (BHP) request Public Utilities Commission (PUC) approval for BHP to provide electric service to a "frozen" WREA customer located within BHP service territory.

Dear Ms. Farris:

WREA has authorized BHP to provide electric service to the BH Greyhound Racing, account # 9021501501, located in SW1/4, SE1/4, Section 17, T2N, R7E, BHM, Pennington County, SD.

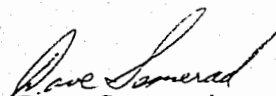
The current owner of this property is Leonard Keller. On February 2001, the electric service to this property was removed at the request of Mr. Keller. This removal was done to facilitate site development by earth moving equipment on a portion of Mr. Keller's property.

After site development was completed, Mr. Keller requested a cost estimate to restore service at the original location. The same request was made by a group of individuals interested in leasing the property from Mr. Keller.

Since this customer is located within BHP territory and close to their facilities, we saw an opportunity to avoid a duplication of service. While the cost to provide service is substantial from either utility, it appears the customer would be best served by BHP. This is partly due to the fact that the earth work done by Mr. Keller created a situation where WREA could not obtain adequate clearance to reconstruct an overhead power line across South Dakota Highway 79 and existing BHP facilities. The alternative for WREA was a more costly underground service which included boring under the highway.

Due to these circumstances, WREA and BHP have reached an agreement where WREA authorizes BHP to serve this customer and we ask for Commission approval of this authorization. Included with this filing are a letter of agreement from BHP to serve this customer and signed consent forms from the property owner and the lease holders.

Sincerely,


Dave Semerad
Branch Manager

Enclosures

DS/vp

CC: Stuart Wevik, BHP



STUART WEVIK
DIRECTOR OF CUSTOMER SERVICE
swevik@blackhillspower.com

Telephone
605-721-2222
FAX: (605) 721-2573

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NOV 28 2001

November 21, 2001

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

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Re: Request for Commission approval for Black Hills Power to provide service to a West River Electric Association "frozen" customer

Dear Ms. Farris:

As discussed in the letter of this same date from Mr. Dave Semerad (West River Electric Association), Black Hills Power will agree to provide service to an account that in the past has been served by West River Electric as a "frozen account" located within Black Hills Power service territory. The account is:

BH Greyhound Racing, account #9021501501, located south of Black Hawk, SD, specifically located in SW1/4, SE1/4, Section 17, T2N, R7E, BHM, Pennington County, SD.

If approved by the Commission, this service will be provided to the customer following all applicable rules and regulations.

This request will provide an opportunity to further reduce duplication of facility issues, and is supported by both electric service providers, the landowner, and the parties leasing the property.

Thank you for your consideration of this matter.

Sincerely,

Stuart Wevik
Director of Customer Service

Cc: Dave Semerad, WREA

November 19, 2001

Mr. Dave Semerad
West River Electric Assoc.
3250 E. Hwy 44
Rapid City, SD 57703

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NOV 28 2001

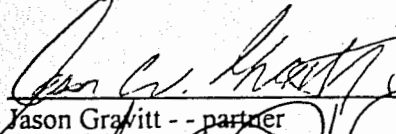
**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

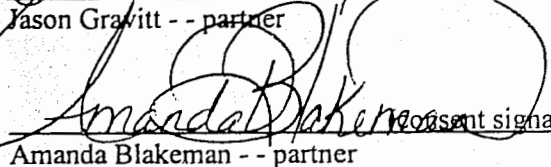
Dear Mr. Semerad,

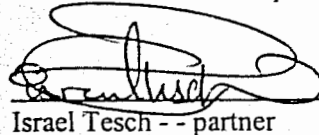
We hereby give our consent to West River Electric Association (WREA) to release the following account located on property to be leased by the parties listed below, which has been classified as a "frozen customer" account in Black Hills Power (BHP) service territory:

BH Greyhound Racing, account #9021501501, located south of Black Hawk, SD, specifically located in SW1/4, SE1/4, Section 17, T2N, R7E, BHM, Pennington County, SD.

Sincerely,


(consent signature)
Jason Graffitt -- partner


(consent signature)
Amanda Blakeman -- partner


(consent signature)
Israel Tesch -- partner

cc: Stuart Wevik -- BHP

November 19, 2001

RECEIVED

NOV 28 2001

Mr. Dave Semerad
West River Electric Assoc.
3250 E. Hwy 44
Rapid City, SD 57703

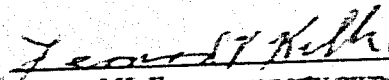
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Dear Mr. Semerad,

I hereby give my consent to West River Electric Association (WREA) to release the following account located on property owned by me, which has been classified as a "frozen customer" account in Black Hills Power (BHP) service territory:

BH Greyhound Racing, account #9021501501, located south of Black Hawk, SD, specifically located in SW1/4, SE1/4, Section 17, T2N, R7E, BHM, Pennington County, SD.

Sincerely,

 (consent signature)
Leonard Keller -- property owner

cc: Stuart Wevik -- BHP

South Dakota Public Utilities Commission

WEEKLY FILINGS

For the Period of November 22, 2001 through November 28, 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

CONSUMER COMPLAINTS

CT01-053 In the Matter of the Complaint filed by Jensen Rock & Sand, Mobridge, South Dakota, against MCI WorldCom Regarding Unauthorized Billing for Services.

Complainant alleges MCI billed the company for three months and MCI was not authorized to provide long distance services. Complainant requests a refund/credit of \$121.69 in unauthorized charges and wants the account closed. Complainant requests \$1000.00 as compensation for its inconvenience and requests the PUC fine MCI WorldCom for its conduct.

Staff Analyst: Charlene Lund
Staff Attorney: Karen Cremer
Date Docketed: 11/26/01
Intervention Deadline: NA

CT01-054 In the Matter of the Complaint filed by Alan Sarver, Rapid City, South Dakota, against Qwest Corporation Regarding Delayed Service.

Complainant states that in May 2001, he contacted Qwest to transfer his service and was given a due date of November 8, 2001. On November 7, 2001, Complainant contacted Qwest to verify that his service would be connected on November 8, 2001. Qwest informed him that his service would be connected on November 8, 2001. Complainant moved his business to his new location and Qwest did not connect his service on November 8, 2001. After Complainant contacted the PUC he was given a new due date for service of November 14, 2001. Complainant's service was not connected on November 14, 2001. Qwest then informed Complainant that it would be an additional 10 days before service would be connected. Complainant contacted the PUC again and his service was connected on November 15, 2001. Complainant states that had Qwest told him that they could not provide him service on November 8, 2001, he would not have moved his business. Complainant is unable to determine how much business he has been unable to obtain because he did not have phone, fax and internet service. Complainant did receive a fax on November 16, 2001, from the State of South Dakota indicating that Complainant was not in compliance with his contract since he was unable to be contacted by telephone and that he was in jeopardy of losing a \$250,000.00 contract if they did not hear from him. Complainant feels that the Commission should assess a fine to Qwest for \$100,000.00 for its poor service and for the delay in his service.

Staff Analyst: Mary Healy
Staff Attorney: Kelly Frazier
Date Docketed: 11/26/01
Intervention Deadline: N/A

ELECTRIC

EL01-029 In the Matter of the Filing by Xcel Energy for Approval of its New Customer Brochure.

Application by Xcel Energy for approval of revised customer information brochure including updating the bill format, deleting references to Northern States Power, updating phone numbers to toll free numbers

and deleting references to the ASK NSP program which has been discontinued.

Staff Analyst: Charlene Lund / Dave Jacobson
Staff Attorney: Kelly Frazier
Date Docketed: 11/27/01
Intervention Deadline: 12/07/01

EL01-030 **In the Matter of the Filing for Approval of an Electric Service Territory Agreement between Lake Region Electric Association, Inc. and Otter Tail Power Company.**

On November 28, 2001, Lake Region Electric Association, Inc. (LREA) filed a petition for approval of an electric service territory agreement with Otter Tail Power Company (OTP). In the agreement OTP authorized LREA to provide service to a new customer located in OTP's service territory.

Staff Analyst: Michele Farris
Staff Attorney: Karen Cremer
Date Docketed: 11/28/01
Intervention Deadline: 12/06/01

EL01-031 **In the Matter of the Filing for Approval of an Electric Service Territory Agreement between West River Electric Association, Inc. and Black Hills Power.**

On November 28, 2001, West River Electric Association (WREA) filed a petition for approval of an electric service territory agreement with Black Hills Power (BHP). In the agreement WREA authorized BHP to provide service to a "frozen" WREA customer, BH Greyhound Racing, located in BHP's service territory.

Staff Analyst: Michele Farris
Staff Attorney: Karen Cremer
Date Docketed: 11/28/01
Intervention Deadline: 12/06/01

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

51818 N. 011-7

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FILING FOR)	ORDER GRANTING
APPROVAL OF AN ELECTRIC SERVICE)	APPROVAL OF ELECTRIC
TERRITORY AGREEMENT BETWEEN WEST)	SERVICE TERRITORY
RIVER ELECTRIC ASSOCIATION, INC. AND)	AGREEMENT
BLACK HILLS POWER)	EL01-031

On November 28, 2001, the Public Utilities Commission (Commission) received a filing by West River Electric Association, Inc. (WREA) and Black Hills Power (BHP) for approval of an electric service territory agreement. The application states that WREA has authorized BHP to provide service to one "frozen customer." Both companies believe this agreement will improve future reliability while eliminating duplication of facilities. The affected customer agreed to the exchange and signed a consent form so stating.

The specifics related to the account are:

WREA "frozen customer" transferred to BHP:

BH Greyhound Racing Account, #9021501501, located in SW¼, SE¼, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

On December 12, 2001, 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 release of the frozen customer in the service territory will avoid unnecessary duplication of facilities, provide adequate electric service to all customers affected, and promote the efficient use and development of the electric systems of BHP and WREA. The Commission therefore concludes that the release of the frozen customer in the service territory is in the public interest and it shall be granted. As the Commission's final decision in this matter, it is therefore

ORDERED, that the request seeking approval of an electric service territory agreement to release a frozen customer in the service territory is hereby granted.

Dated at Pierre, South Dakota, this 20th day of December, 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>Mildred Kelbo</u>
Date:	<u>12/21/01</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner