

TOWN OF PICKSTOWN
BOX 107
PICKSTOWN, SD 57367-0107
TELEPHONE & FAX: (605) 487-7553

January 10, 2002

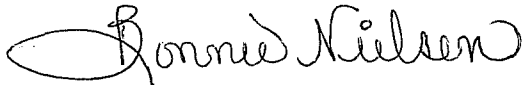
Public Utilities Commission
State of South Dakota
500 East Capitol
Pierre, SD 57501

Dear Public Utilities Commission:

Enclosed is a fully executed copy of a Limited Waiver of Service Territory Agreement between the Town of Pickstown and Charles Mix Electric Association for your approval.

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

Sincerely,



Bonnie Nielsen
Finance Officer

RECEIVED

JAN 14 2002

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

LIMITED WAIVER OF SERVICE TERRITORY AGREEMENT

This Limited Waiver of Service Territory Agreement, dated as of 1-9-02, 2001, ("Waiver"), is entered into by and between Charles Mix Electric Association, Inc., a rural electric cooperative (hereinafter referred to as "Cooperative"), and the Town of Pickstown, a Town incorporated under the laws of the State of South Dakota (hereinafter referred to as "Pickstown").

Recitals

Whereas, the parties hereto entered into a certain Service Territory Agreement dated January 1, 1990, whereby the parties with the approval of the South Dakota Public Utilities Commission, defined their respective service areas relative to the boundaries of Pickstown all pursuant to SDCL 49-34A-55; and

Whereas, Pickstown has determined that electrical service is required at the meter pit, located on Outlot Sixteen (16), as shown on the attached map; and

Whereas, said location within the territory is served by Pickstown, however, Pickstown has no facilities in that area and has determined that the project is cost prohibitive for the load to be served.

Whereas, the Cooperative and Pickstown agree that it is in their best interests as well as the best interest of the public that the Cooperative provide electrical service to the meter pit.

Now, therefore, all parties agree that:

For and in consideration of the mutual benefits to be received by the parties hereto and in further consideration of the covenants, promises, and provisions herein contained, it is hereby agreed and stipulated that

1. Cooperatives shall provide electrical service to a metering and connection point as constructed and located in Pickstown's territory, to-wit: the Northeast one acre of Outlot Sixteen (16) and shall thereby provide electrical services to the meter pit.
2. Pickstown hereby waives its rights and privileges under the Service Territory Agreement dated January 1, 1990, solely and for the limited purpose of allowing the Cooperative to serve the meter pit to be located in Pickstown's territory, the Northeast one acre of Outlot Sixteen (16).
3. This Waiver shall continue indefinitely until such time as Pickstown shall elect, pursuant to this provision to revoke this Waiver. Such revocation shall be effective 120 days following receipt of written notice of revocation provided to the Cooperative by Pickstown. Pickstown may exercise its right of revocation at any time and for any reason subject only to the 120 day notice stated above.

4. The Cooperative shall be responsible for the installation of any and all electrical facilities to the meter.
5. This Waiver is subject to the approval of the South Dakota Public Utilities Commission under SDCL 49-34A-55 and related statutes and shall not be effective until such approval is granted.

In Witness Whereof, the parties have executed this Waiver as of the date first written and subject to the approval of the South Dakota Public Utilities Commission. The officers signing for the Cooperative represent that they are so authorized and that the Waiver has been approved by resolution of the Board of Directors of the Cooperative. The undersigned representatives of Pickstown likewise represent that the Board of Trustees has approved this Waiver by resolution and has authorized its execution in the manner following.

CHARLES MIX ELECTRIC ASSN. INC.

(Seal)

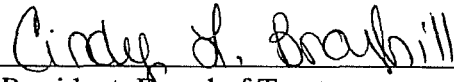
By 
President, Board of Directors

ATTEST:

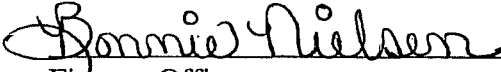

Its Secretary

TOWN OF PICKSTOWN

(Seal)

By 
President, Board of Trustees

ATTEST:


Finance Officer

**South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of January 10, 2002 through January 16, 2002**

**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

**EL02-001 In the Matter of the Filing for Approval of a Limited Waiver of Service Territory Agreement
between Charles Mix Electric Association, Inc. and the Town of Pickstown.**

Charles Mix Electric Association, Inc. and the Town of Pickstown have jointly requested the Commission approve a Limited Waiver of Service Territory Agreement. The applicants have agreed it is in the best interest of the public that Charles Mix Electric Association provide electrical service to the meter pit located in the Northeast one acre of Outlot Sixteen. The Service Territory Agreement shall continue indefinitely until such time as Pickstown shall elect to revoke the waiver.

Staff Analyst: Michele Farris
Staff Attorney: Karen Cremer
Date Docketed: 01/14/02
Intervention Deadline: 02/01/02

TELECOMMUNICATIONS

**TC02-007 In the Matter of the Application of Norcom, Inc. for a Certificate of Authority to Provide
Interexchange Telecommunications Services in South Dakota.**

On January 14, 2002, Norcom, Inc. filed an application seeking a Certificate of Authority to provide resold interexchange telecommunications services throughout the State of South Dakota. The applicant proposes to provide resold MTS, Inbound 8XX service, and travel card services.

Staff Analyst: Heather Forney
Staff Attorney: Kelly Frazier
Date Docketed: 01/14/02
Intervention Deadline: 02/01/02

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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 FILING FOR)	ORDER GRANTING
APPROVAL OF A LIMITED WAIVER OF)	APPROVAL OF SERVICE
SERVICE TERRITORY AGREEMENT)	RIGHTS EXCEPTION
BETWEEN CHARLES MIX ELECTRIC)	
ASSOCIATION, INC. AND THE TOWN OF)	EL02-001
PICKSTOWN)	

On January 14, 2002, the Public Utilities Commission (Commission) received a joint request from Charles Mix Electric Association, Inc. (Charles Mix) and the Town of Pickstown (Pickstown) seeking approval of an agreement for a service rights exception. The parties seek Commission approval for an exception to the existing electric service territorial agreement. According to the application, Pickstown has determined that electrical service is required at the meter pit, located on Outlot 16. Said location within the territory is served by Pickstown, however, Pickstown has no facilities in that area and has determined that it is cost prohibitive for Pickstown to serve the load. Charles Mix and Pickstown agree that it is in their best interests as well as the best interest of the public that Charles Mix provide electrical service to the meter pit. The agreement shall continue indefinitely until such time as Pickstown shall elect to revoke the waiver. There are no existing customers affected. The description of the affected property is the North 100 Feet of the East 100 Feet of Outlot 16, in the Town of Pickstown, County of Charles Mix, State of South Dakota.

Charles Mix and Pickstown have entered into an agreement entitled "Limited Waiver of Service Territory Agreement" dated January 9, 2002, and have filed the same along with a map delineating the affected territory.

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 6th day of March, 2002.

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 Kalbo</u>
Date: <u>3/6/02</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Robert K. Sahr
ROBERT K. SAHR, Commissioner