

EL03-021



June 13, 2003

Ron L. Gogolin
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RECEIVED

JUN 16 2003

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Ms. Pam Bonrud, Executive Director
SD Public Utilities Commission
State Capitol Building
Pierre, SD 57501

Re: Territory Exception, Beadle County.

Dear Ms. Bonrud:

The purpose of this letter is to request approval from the Public Utilities Commission in the release to NorthWestern Energy (NorthWestern) the assigned territorial rights of Dakota Energy Cooperative, Inc. (Dakota Energy) in the East One half (E1/2) of the South One half (S1/2) of the North One half (N1/2) of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 24, Township 111 North, Range 62 West of the 5th Principal Meridian, Beadle County, South Dakota, except Lot H-2.

The territory involved in this request is located along South Dakota Highway #37 approximately one mile North of the City of Huron. NorthWestern has a single phase overhead line located in a 10 foot wide easement approximately 100 feet West of the Southwest corner of the area requested to be released (see Exhibit "A"). Dakota Energy's closest power line is approximately 330 feet North of the area requested to be released (see Exhibit "A").

Larry and Beth Picek requested service from NorthWestern and Dakota Energy has agreed to release service to NorthWestern subject to load and square feet of seasonal cabin.. **Enclosed you will find a Consent and Agreement for Electric Service in Assigned Territory of Another Electric Supplier (prepared by Dakota Energy).** Also enclosed is a drawing (Exhibit "A") illustrating the location of the area to be released and the location of NorthWestern's and Dakota Energy's overhead power lines.

Thank you, if you have any questions please call me at 605/353-7528, Larry Picek at 605/353-7528 or Lynn Kruse of Dakota Energy at 605/352-8591.

Sincerely,

A handwritten signature in cursive script that reads "Ron Gogolin".

Ron L. Gogolin
Coordinator - Land and Easement

enclosure

cc: Larry Picek (Land Owner)
Lynn Kruse (Dakota Energy)
Jay Morris (NorthWestern)

**CONSENT AND AGREEMENT FOR ELECTRIC SERVICE
IN
ASSIGNED TERRITORY OF ANOTHER ELECTRIC SUPPLIER**

Northwestern Corporation ("Northwestern") and Dakota Energy Cooperative, Inc. ("Dakota Energy") are both electric suppliers in the Huron vicinity in Beadle County, in the State of South Dakota and have assigned electric service territories in such Huron vicinity pursuant to the laws of the South Dakota Public Utilities Commission (the "Commission"). By this Consent and Agreement, Dakota Energy agrees to allow Northwestern to supply electric service in Dakota Energy's assigned electric service area, pursuant to the provisions of this Consent and Agreement.

The execution of this Consent and Agreement is made with the understanding and agreement that the land described herein shall remain a part of the assigned electric service area of Dakota Energy, and that by virtue of this Consent and Agreement, Northwestern does not acquire any assigned electric service area rights in any portion of the property, nor will Northwestern acquire any rights to provide electric service in the area or in any other area on the basis of the electric line construction allowed pursuant to this Consent and Agreement. Furthermore, this Consent and Agreement shall not be admissible in evidence before any court or commission, nor shall it constitute or establish at any time a precedent between Northwestern and Dakota Energy.

Dakota Energy consents to Northwestern providing service up to a maximum of 5 kW to a camper site and seasonal cabin with a maximum of 676 square feet to be used by Larry Picek of subsequent occupant and located at the following described property:

The East Half (E ½) of the South Half (S ½) of the North Half (N ½) of the Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of Section Twenty-Four (24), Township One Hundred Eleven (111), Range Sixty-Two (62), Beadle County, South Dakota, except Lot H-2.

as shown on the drawing attached in Exhibit A.

This Consent and Agreement is effective only after being approved by the Commission.

Date this 21st day of May, 2003.

DAKOTA ENERGY COOPERATIVE, INC.

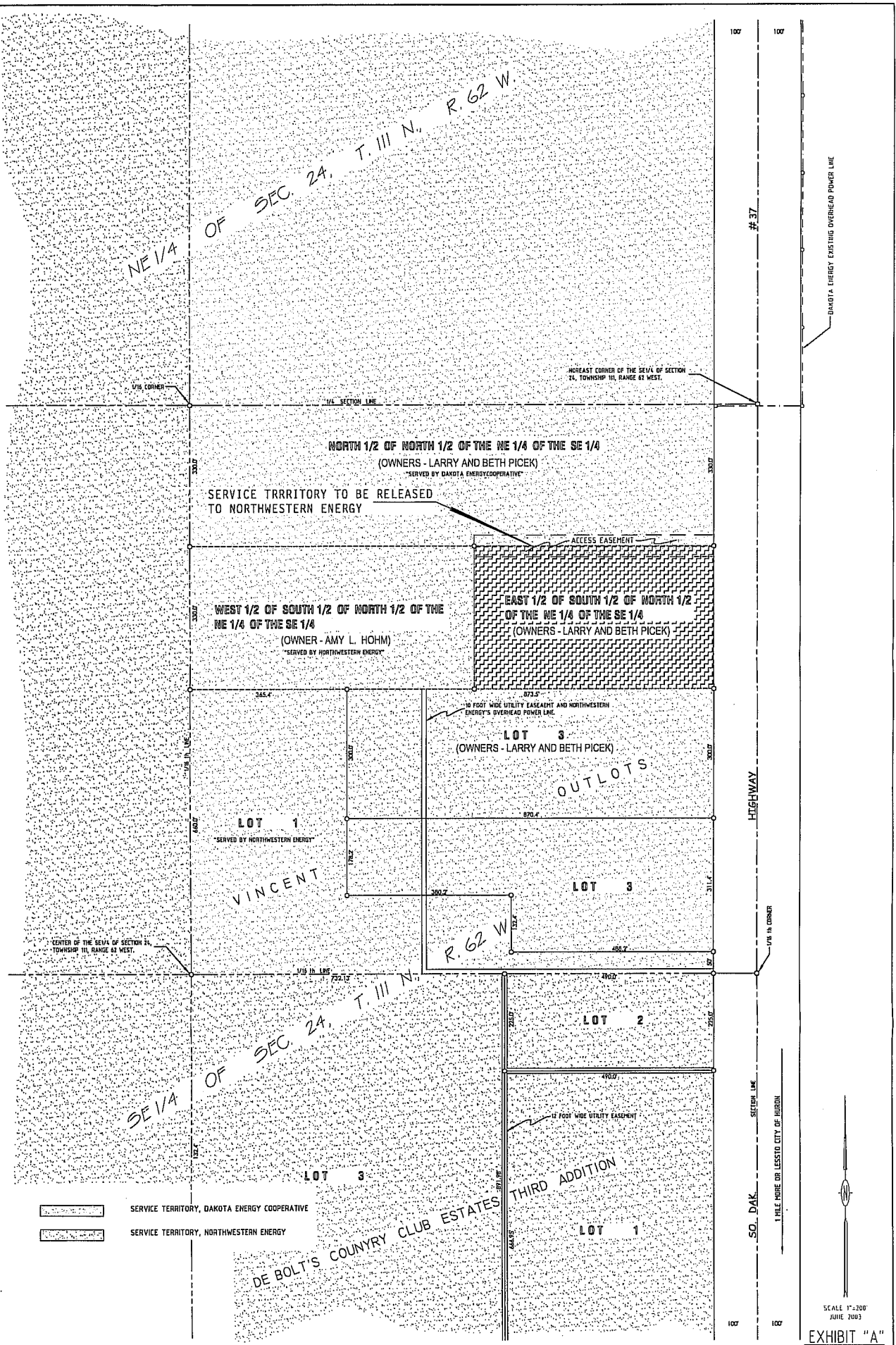
By Delbert Bushong
Title President

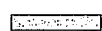
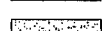
NORTHWESTERN CORPORATION

By Ron Gogolen
Title Coordinator - Land & Easement

NE 1/4 OF SEC. 24, T. III N., R. 62 W.

SE 1/4 OF SEC. 24, T. III N., R. 62 W.



 SERVICE TERRITORY, DAKOTA ENERGY COOPERATIVE
 SERVICE TERRITORY, NORTHWESTERN ENERGY

DE BOLT'S COUNTRY CLUB ESTATES THIRD ADDITION

SCALE 1"=200'
JULIE 2003

EXHIBIT "A"

FILED 1/25 11:40 AM 2003 BY J. J. HARRIS, COUNTY CLERK

South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of June 12, 2003 through June 18, 2003

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 report. Phone: 605-773-3705

CONSUMER COMPLAINTS

CT03-010 In the Matter of the Complaint filed by Chris Nelson on behalf of Pharmco Industries, Inc., Platte, South Dakota, against S&S Communications/Alterna-Cell Regarding Loss of Long Distance Services.

Complainant purchased a 48 month prepaid long distance phone service contract from the respondent on 01/06/03, service was activated on 02/01/03 and due to a financial crisis on the part of the respondent, service was terminated on 06/03/03. Complainant seeks a full refund of payments made to the respondent and to have the Commission take steps to prevent consumers from being harmed by this type of activity in the future.

Staff Analyst: Jim Mehlhaff
Staff Attorney: Kelly Frazier
Date Docketed: 06/17/03
Intervention Deadline: N/A

ELECTRIC

EL03-021 In the Matter of the Filing for Approval of a Consent and Agreement for Electric Service in Assigned Territory of another Electric Supplier between NorthWestern Energy and Dakota Energy Cooperative, Inc.

On June 16, 2003, NorthWestern Energy and Dakota Energy Cooperative filed a joint petition requesting approval for the release of assigned territorial rights from Dakota Energy Cooperative to NorthWestern Energy. Dakota Energy consents to NorthWestern providing service up to a maximum of 5 kW to a camper site and seasonal cabin with a maximum of 676 square feet to be used by Larry Picek or subsequent occupant and located at the following described property: the East Half (E 1/2) of the South Half (S 1/2) of the North Half (N 1/2) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 24, Township 111N, Range 62W of the 5th Principal Meridian, Beadle County, South Dakota, except Lot H-2. The territory involved in this request is located along SD Highway 37 approximately one mile North of the City of Huron.

Staff Analyst: Michele Farris
Staff Attorney: Karen Cremer
Date Docketed: 06/16/03
Intervention Deadline: 07/07/03

EL03-022 In the Matter of the Application for a Master Metering Variance Request for the Western Mall, Sioux Falls, South Dakota.

On June 16, 2003, TSP filed with the Commission, on behalf of the owner of the Western Mall, a request for a master meter variance request. The Western Mall is currently served by a central physical plant, which is nearing the end of its useful life and needs to be upgraded. The physical plant is currently served with a single electric meter. The owner is proposing individual roof top units for each of the tenants. Therefore, they are requesting a variance, in accordance with ARSD 20:10:26, to allow the continued use of a single master meter.

Staff Analyst: Michele Farris
Staff Attorney: Karen Cremer
Date Docketed: 06/16/03
Intervention Deadline: 07/07/03

TELECOMMUNICATIONS

TC03-092 In the Matter of the Filing for Approval of an Amendment to an Interconnection Agreement between Qwest Corporation and TW Wireless, L.L.C.

On June 12, 2003, the Commission received a filing for Approval of an Amendment to an Interconnection Agreement between Qwest Corporation (Qwest) and TW Wireless, L.L.C. (TW Wireless). According to the parties, the Amendment is an ISP Bound Traffic Amendment to the Interconnection Agreement between Qwest and TW Wireless. This is an Amendment to the Type 2 Wireless Interconnection Agreement and is made in order to implement the requirements of the FCC Order on Remand and Report and Order in CC Docket No. 99-68 regarding intercarrier compensation for ISP bound traffic. The original agreement was approved by the Commission on February 11, 2000, in Docket No. TC99-123. 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 2, 2003. 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: 06/12/03
Initial Comments Due: 07/02/03

TC03-093 In the Matter of the Filing for Approval of an Amendment to an Interconnection Agreement between Qwest Corporation and McLeodUSA Telecommunications Services, Inc.

On June 12, 2003, the Commission received a filing for Approval of an Amendment to an Interconnection Agreement between Qwest Corporation and McLeodUSA Telecommunications Services, Inc. The original agreement was approved by the Commission on July 23, 1999, in Docket No. TC99-057. The parties entered into an Amendment No. 1 and

No. 2, which was approved on September 29, 2000, in Docket No. TC00-107. According to the parties, the bill and keep provisions of Amendment No. 2 terminated on December 31, 2002. The parties have continued to treat reciprocal compensation as bill and keep on a month-to-month basis since December 31, 2002. The parties wish to amend the Agreement by extending the terms and conditions contained in Amendment No. 2. 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 2, 2003. 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: 06/12/03
Initial Comments Due: 07/02/03

TC03-094 In the Matter of the Application of BAK Communications, LLC for a Certificate of Authority to Provide Local Exchange Services in South Dakota.

BAK Communications, LLC has filed an application for a Certificate of Authority to provide competitive local exchange services to residential customers in South Dakota using a combination of the resale platform and the unbundled network elements provided by the incumbent local exchange carriers.

Staff Analyst: Bonnie Bjork
Staff Attorney: Karen Cremer
Date Docketed: 06/12/03
Intervention Deadline: 07/07/03

TC03-095 In the Matter of the Filing by Qwest Corporation for Approval of Revisions to its Exchange and Network Services Tariff.

On June 13, 2003, Qwest Corporation filed a revision to its South Dakota Exchange and Network Services Tariff. These revisions increase the Federal Telephone Lifeline Plan Credit from \$7.75 to \$8.25.

Staff Analyst: Keith Senger
Staff Attorney: Kelly Frazier
Date Docketed: 06/13/03
Intervention Deadline: 07/07/03

TC03-096 In the Matter of the Filing for Approval of a Reciprocal Transport and Termination Agreement between PrairieWave Telecommunications, Inc. and WWC License L.L.C.

On June 18, 2003, the Commission received a Filing for Approval of a Reciprocal Transport and Termination Agreement between PrairieWave Telecommunications, Inc. and WWC License L.L.C. (WWC). According to the parties, if WWC elects to replace the existing

form of indirect interconnection with a two-way or one-way direct connection, the parties agree to negotiate a separate interconnection agreement related to the provision and compensation for such facilities. 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 8, 2003. 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: 06/18/03

Initial Comments Due: 07/08/03

**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>**

LARRY AND BETH PICEK

20557 SD HWY 37
HURON SD 57350
605 352-1819
lbpicek@santel.net

RECEIVED

JUL 09 2003

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

July 7, 2003

Michelle Ferris
SD Public Utilities Commission
500 E Capitol Ave
Pierre SD 57501

Dear Michelle,

We have requested electrical service as described in the Consent and Agreement For Electric Service (copy enclosed).

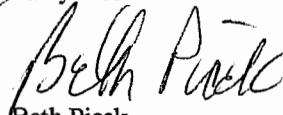
We are requesting approval.

Thank you.

Sincerely,



Larry Picek



Beth Picek

Enclosure

RECEIVED

ELO3-021

JUL 09 2003

CONSENT AND AGREEMENT FOR ELECTRIC SERVICE

IN

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

ASSIGNED TERRITORY OF ANOTHER ELECTRIC SUPPLIER

Northwestern Corporation ("Northwestern") and Dakota Energy Cooperative, Inc. ("Dakota Energy") are both electric suppliers in the Huron vicinity in Beadle County, in the State of South Dakota and have assigned electric service territories in such Huron vicinity pursuant to the laws of the South Dakota Public Utilities Commission (the "Commission"). By this Consent and Agreement, Dakota Energy agrees to allow Northwestern to supply electric service in Dakota Energy's assigned electric service area, pursuant to the provisions of this Consent and Agreement.

The execution of this Consent and Agreement is made with the understanding and agreement that the land described herein shall remain a part of the assigned electric service area of Dakota Energy, and that by virtue of this Consent and Agreement, Northwestern does not acquire any assigned electric service area rights in any portion of the property, nor will Northwestern acquire any rights to provide electric service in the area or in any other area on the basis of the electric line construction allowed pursuant to this Consent and Agreement. Furthermore, this Consent and Agreement shall not be admissible in evidence before any court or commission, nor shall it constitute or establish at any time a precedent between Northwestern and Dakota Energy.

Dakota Energy consents to Northwestern providing service up to a maximum of 5 kW to a camper site and seasonal cabin with a maximum of 676 square feet to be used by Larry Picek of subsequent occupant and located at the following described property:

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as shown on the drawing attached in Exhibit A.

This Consent and Agreement is effective only after being approved by the Commission.

Date this 21st day of May, 2003.

DAKOTA ENERGY COOPERATIVE, INC.

By Delbert Bushong
Title President

NORTHWESTERN CORPORATION

By Rin Gogolen
Title Coordinator - Land & Easement

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

IN THE MATTER OF THE FILING FOR)	ORDER GRANTING
APPROVAL OF A CONSENT AND)	APPROVAL OF AN
AGREEMENT FOR ELECTRIC SERVICE IN)	EXCEPTION TO THE
ASSIGNED SERVICE TERRITORY OF)	ASSIGNED ELECTRIC
ANOTHER ELECTRIC SUPPLIER BETWEEN)	SERVICE TERRITORY
NORTHWESTERN ENERGY AND DAKOTA)	
ENERGY COOPERATIVE, INC.)	EL03-021

On June 16, 2003, NorthWestern Energy and Dakota Energy Cooperative, Inc. filed a "Consent and Agreement for Electric Service in Assigned Territory of Another Electric Supplier." Dakota Energy consents to NorthWestern providing service up to a maximum of 5 kW to a camper site and seasonal cabin with a maximum of 676 square feet to be used by Larry Picek or subsequent occupant and located at the following described property: the East Half (E 1/2) of the South Half (S 1/2) of the North Half (N 1/2) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 24, Township 111N, Range 62W of the 5th Principal Meridian, Beadle County, South Dakota, except Lot H-2. The territory involved in this request is located along SD Highway 37 approximately one mile North of the City of Huron. Larry and Beth Picek have consented to this transfer.

At its regularly scheduled meeting of July 15, 2003, the Commission considered the matter. Commission Staff recommended approval of the joint request.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-34A, specifically 49-34A-42 and 49-34A-55. Further, the Commission finds that NorthWestern may provide electrical service up to a maximum of 5 kW to a camper site and seasonal cabin with a maximum of 676 square feet to be used by Larry Picek or a subsequent occupant at the above described property. Electrical service provided by NorthWestern 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 NorthWestern and Dakota Energy Cooperative, Inc. Further, the Commission finds that an exception to the assigned service territory is in the public interest and the request shall be granted. It is therefore

ORDERED, that the request seeking approval of an exception to the assignment of service territory is hereby granted.

Dated at Pierre, South Dakota, this 23rd day of July, 2003.

<p>CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u><i>Melvin Kolko</i></u></p> <p>Date: <u>7/24/03</u></p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner