

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE JOINT REQUEST \*  
FOR AN ELECTRIC SERVICE RIGHTS \* PETITION FOR APPROVAL  
EXCEPTION BETWEEN CODINGTON-CLARK \* OF AGREEMENT  
ELECTRIC COOPERATIVE AND H-D \*  
ELECTRIC COOPERATIVE \* EL08-  
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Codington-Clark Electric Cooperative, Inc., and H-D Electric Cooperative, Inc., state to the Commission and move the Commission as follows:

1. Each petitioning cooperative is an electric service provider with an assigned electric service territory in South Dakota. MODAK DAIRY, INC., is an electric consumer intending to construct a facility within the assigned service territory of Codington-Clark Electric Cooperative, Inc.

2. On May 30, 2008, the petitioning cooperatives entered into the agreement entitled CONSENT AND AGREEMENT FOR ELECTRIC SERVICE IN ASSIGNED SERVICE TERRITORY OF ANOTHER ELECTRIC SUPPLIER (hereafter referred to as the "Agreement.") The Agreement is filed herewith. The Agreement was made at the request of the consumer, MODAK DAIRY, INC. A written Request and Consent by the consumer appears at the end of the Agreement.

3. The Agreement will result in adequate service to the consumer affected and will promote efficient and economical use and development of the electric system of each petitioning cooperative.

4. Petitioners request approval of the Agreement.

5. This matter is governed by SDCL 49-34A-55.

WHEREFORE, Petitioners, Codington-Clark Electric Cooperative, Inc., and H-D Electric Cooperative, Inc., Petition the Commission for its approval of the Agreement.

Dated this 14<sup>th</sup> day of July, 2008.

BURNS LAW OFFICE

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

This Consent and Agreement is made between Codington-Clark Electric Cooperative, Inc., (hereafter "Codington-Clark") of P.O. Box 880, Watertown, South Dakota 57201, and H-D Electric Cooperative, Inc. (hereafter "H-D"), of P.O. Box 1007, Clear Lake, South Dakota 57226.

WHEREAS Codington-Clark holds assigned territorial rights to provide electric service in the South Half of Section 25, Township 117, North of Range 51, West of the 5th P.M., Codington County, South Dakota, and

WHEREAS MODAK DAIRY, INC., will construct a service site therein, and requests electric service from H-D, and Codington-Clark consents and agrees to allow H-D to supply electric service to the service site of MODAK DAIRY, INC., at the said site, pursuant to SDCL 49-34A-55 and pursuant to the provisions of this Agreement, and

WHEREAS this Consent and Agreement will result in adequate service to the customer affected and will promote efficient and economical use and development of the electric systems of Codington-Clark and H-D,

NOW, THEREFORE, Codington-Clark and H-D agree as follows:

1. Codington-Clark consents and agrees to allow H-D to supply electric service to MODAK DAIRY, INC., its successors and assigns, within the South Half of Section 25, T117N, R51W of the 5th P.M.

2. The property described above shall remain a part of the assigned service territory of Codington-Clark, and H-D does not

acquire any assigned service territorial rights in any of the foregoing property, nor will H-D acquire any rights to provide electric service within the above described property or in any other area within Codington-Clark's assigned service territory by virtue of the electric line construction allowed pursuant to this Consent and Agreement.

3. This Agreement shall remain in effect so long as MODAK DAIRY, INC., its successors and assigns, maintain continuous use of electric service from H-D, its successors and assigns, except for interruptions of continuous service of not more than 60 days.

4. This Consent and Agreement shall take affect only upon approval by the South Dakota Public Utilities Commission. The parties shall cooperate to seek such approval.

IN WITNESS WHEREOF the parties have caused this Agreement to be executed the 30 day of May, 2008.

CODINGTON-CLARK ELECTRIC  
COOPERATIVE, INC.

H-D ELECTRIC COOPERATIVE, INC.

By: 

Roger Stimson - President  
(CORPORATE SEAL)

By: 

Bert Rogness - President  
(CORPORATE SEAL)

#### REQUEST AND CONSENT

MODAK DAIRY, Inc., requests electric service from H-D Electric Cooperative, Inc. at the site and upon the terms and conditions set forth in the foregoing Consent and Agreement.

Dated the 30 day of May, 2008.

MODAK DAIRY, INC.

By: 

James Moes - President