

MUNICIPAL UTILITIES DEPARTMENT

901 Fourth Avenue Southwest
WATERTOWN, SOUTH DAKOTA 57201-4107
PHONE (605) 882-6233 • FAX (605) 882-6238

July 3, 2012

Patty Van Gerpen, Executive Director
Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, SD 57501

RE: EL12-040 In the Matter of the Request for a Declaratory Ruling regarding the Electric Service Territory Boundary between NorthWestern Energy and Codington-Clark Electric Cooperative, Inc.

Dear Ms. Van Gerpen:

Watertown Municipal Utilities has previously reviewed the impending area of annexation to determine what other utilities would be involved in the territorial exchange. Upon review of the original territorial map and as shown as Exhibit C under NorthWestern's Petition for Declaratory Ruling and physically going to the site and taking measurements, we felt that the territorial line does indeed lay upon a natural land line but not the 1/4 mile line, but rather the 1/8th of the mile line.

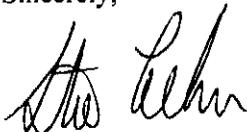
Because section 3 has the correction in measurement for the entire township it does not measure exactly 1/8th mile or 660 feet. The actual measurement is more easily determined by looking at Exhibit B of NorthWestern's Petition for Declaratory Ruling. As you can see the west line of Government lot 2 is approximately 16 chains long or 1056 feet of which 528 feet would represent the 1/8th of a mile. This is better shown on Exhibit A attached to this document and showing approximate measurements as measured from the aerial photograph. This Exhibit A also shows the fence line running along the natural break and approximate land line. As Ron Gogolin stated in paragraph 3 of his affidavit: "It has been my experience at NorthWestern Energy that, in general, the determination of service boundaries always happens on land lines" still would hold true.

Additionally after review of the original territorial map, as shown as Exhibit C under NorthWestern's Petition for Declaratory Ruling, it is obvious that the territorial line drawn for the area in question represents a smaller area than the 1/4 mile represented in the drawing on sections 3-6 of the township directly east. If the territorial line in question was the 1/4 mile line that boundary line should have been disputed back in 1977 when the house to the east was built and service was provided by Codington Clark Electric.

Also attached as Exhibit B is a recent photograph looking west along the fence line at this natural break line laying approximately at the 1/8th mile or 528 feet. This shows the farmstead laying north of this natural break.

If you should have any questions regarding this submittal please contact me.

Sincerely,



Steve Lehner
General Manager
Watertown Municipal Utilities

cc: Service List via email EL12-040 as attached

Service List
EL12-040

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