

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

IN THE MATTER OF THE JOINT REQUEST)
FOR ELECTRIC SERVICE TERRITORY)
EXCEPTION BETWEEN DAKOTA ENERGY)
COOPERATIVE, INC. AND THE CITY OF)
MILLER)

**ORDER GRANTING
APPROVAL OF SERVICE
RIGHTS EXCEPTION**

EL01-012

On June 5, 2001, the Public Utilities Commission (Commission) received a joint request from Dakota Energy Cooperative, Inc. (DEC) and the City of Miller (Miller) seeking approval of an agreement for a service rights exception. The purpose of the filing was to seek Commission approval for an exception to the existing electric service territorial agreement. According to the application, the agreement seeks an exception of service territory as the owner/operator of the drive-in theater wishes to have three phase electrical service provided for the purpose of operating a drive-in theater and Miller has three phase electrical service only a short distance from the location and DEC has no nearby three phase service. The service exception shall apply for as long as the property is used as a drive-in theater. The owner/operator is agreeable to such exception and the purchase of three phase power from Miller. The legal description is as follows:

Beginning at a point 38.4 feet south of the Northwest corner of Section Thirteen (13), Township One Hundred Twelve North (112N), Range Sixty-Eight (68), and extending North 711.7 feet to a point 250 feet South of the Center Line of Highway 14 running between Miller and St. Lawrence, South Dakota, thence East along a line parallel with said Highway 14 a Distance of 633 feet, from the Section Line between Sections Eleven (11) and Twelve (12) in said Township, thence South 712.8 feet, thence West 633 feet to the point of beginning, said land being all located in Sections Twelve (12) and Thirteen (13) in said Township One hundred Twelve North (112N), Range Sixty-Eight (68), West of the 5th P.M., Hand County, South Dakota.

On June 19, 2001, at its regularly scheduled meeting, the Commission considered the request for approval of a service rights exception. 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 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 22nd day of June, 2001.

CERTIFICATE OF SERVICE	
<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>	
By:	<u><i>Heldene Kelbo</i></u>
Date:	<u>6/25/01</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner