

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

**IN THE MATTER OF THE FILING BY OTTER )  
TAIL POWER COMPANY FOR APPROVAL OF )  
A CONTRACT WITH DEVIATIONS WITH THE )  
CITY OF ELKTON )**

**ORDER APPROVING  
CONTRACT WITH  
DEVIATIONS  
EL02-015**

On August 8, 2002, the Public Utilities Commission (Commission) received a filing by Otter Tail Power Company (Otter Tail) for approval of a Contract with Deviations with the City of Elkton (Elkton) on less than 30 days notice. The contract replaces a contract between the parties which terminates on September 1, 2002. The new contract has a ten year term beginning on September 1, 2002. Otter Tail filed the following tariff sheet for Commission approval:

Section No. 4, Seventh Revised Sheet No. 1, Cancelling Sixth Revised Sheet No. 1

At its August 15, 2002, meeting, the Commission considered the request for approval of the Contract with Deviations. Commission Staff recommended approval.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-34A, specifically, 49-34A-6, 49-34A-8, 49-34A-10, and 49-34A-11. Further, the Commission finds that Otter Tail's request for approval of a Contract with Deviations is just and reasonable and shall be approved. As the Commission's final decision in this matter, it is therefore

ORDERED, that the request seeking approval of a Contract with Deviations on less than 30 days notice is in the public interest and is hereby granted. It is further

ORDERED, that the above referenced tariff sheet is effective for service rendered on and after September 1, 2002.

Dated at Pierre, South Dakota, this 30<sup>th</sup> day of August, 2002.

<b>CERTIFICATE OF SERVICE</b>
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>Tina Doerfer</u>
Date: <u>8-30-02</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

John Smith  
by John Smith