

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

<b>IN THE MATTER OF THE FILING BY OTTER )</b>	<b>ORDER APPROVING</b>
<b>TAIL POWER COMPANY FOR APPROVAL OF )</b>	<b>CONTRACT WITH</b>
<b>A CONTRACT WITH DEVIATIONS WITH THE )</b>	<b>DEVIATIONS</b>
<b>CITY OF DESMET )</b>	<b>EL03-002</b>

On January 14, 2003, 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 DeSmet (DeSmet) on less than 30 days notice. The contract replaces a contract between the parties which terminates on February 1, 2003. The new contract has a ten year term beginning on February 1, 2003. Otter Tail filed the following tariff sheet for Commission approval:

Section No. 4, Tenth Revised Sheet No. 1, Cancelling Ninth Revised Sheet No. 1

At its February 20, 2003, meeting, the Commission considered the request for approval of the Contract with Deviations. Commission Staff recommended approval. Commission Staff also recommended that all future municipal street lighting contracts with deviations reflect current or post-restructuring rates.

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. The Commission recommended that all future municipal street lighting contracts with deviations reflect current or post-restructuring rates. 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 February 1, 2003. It is further

ORDERED, that all future municipal street lighting contracts with deviations reflect current or post-restructuring rates.

Dated at Pierre, South Dakota, this 7<sup>th</sup> day of March, 2003.

<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><i>William Kelbo</i></u>
Date: <u>3/10/03</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*Robert K. Sahr*  
ROBERT K. SAHR, Chairman

*Gary Hanson*  
GARY HANSON, Commissioner

*James A. Burg*  
JAMES A. BURG, Commissioner