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May 10, 2006

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HAND DELIVER

Patricia Van Gerpen  
Executive Director  
Public Utilities Commission  
500 East Capitol Avenue  
Pierre, South Dakota 57501

RE: **IN THE MATTER OF THE COMPLAINT OF SIOUX VALLEY  
SOUTHWESTERN ELECTRIC COOPERATIVE, INC., DBA, SIOUX  
VALLEY ENERGY AGAINST NORTHERN STATES POWER COMPANY,  
DBA, XCEL ENERGY, FOR PROVISION OF ELECTRIC SERVICE TO  
MYRL AND ROY'S PAVING**  
Our file: 0185

Dear Patty:

Enclosed are the original and ten copies of Xcel's Answer in this matter, which please file. With a copy of this letter, I am forwarding copies of the Answer to the service list, this being intended as service by mailing.

Yours truly,

MAY, ADAM, GERDES & THOMPSON LLP

BY: 

DAG:mw

Enclosures

cc/enc: Jim Wilcox

Service List

RECEIVED  
MAY 10 2006

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

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

IN THE MATTER OF THE COMPLAINT )  
OF SIOUX VALLEY SOUTHWESTERN )  
ELECTRIC COOPERATIVE, INC., DBA, )  
SIOUX VALLEY ENERGY AGAINST ) **XCEL'S ANSWER**  
NORTHERN STATES POWER COMPANY, )  
DBA, XCEL ENERGY, FOR PROVISION )  
OF ELECTRIC SERVICE TO MYRL AND )  
ROY'S PAVING. )

Answering the complaint herein, Northern States Power Company d/b/a Xcel Energy ("Xcel") states and alleges as follows:

FIRST DEFENSE

The complaint fails to state a claim upon which relief can be granted as a matter of law and should therefore be dismissed on its merits because the location served by Xcel is now part of Xcel's assigned service area by operation of law upon the authority of Matter of Northwestern Public Service Company, 560 NW2d 925, 1997 SD 35 and Matter of West River Electric Association, Inc., 675 NW2d 222, 2004 SD 11.

SECOND DEFENSE

1. Xcel admits paragraphs 1 through 10, inclusive, and paragraph 13.
2. Xcel is without information sufficient to form a belief as to the truth of paragraph 11 of the complaint and remits Sioux Valley to proof thereof.
3. Except as herein expressly admitted, Xcel denies all the allegations of the complaint.

THIRD DEFENSE

The Legislature intended the word "location" to be a geographical based concept and, thus, Xcel has the statutory right

to serve the Myrl and Roy "location", to provide increased load to the location and provide any future service at that location.

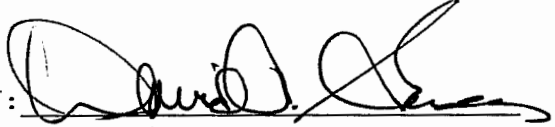
FOURTH DEFENSE

Once a utility is assigned a service area under the South Dakota Territorial Integrity Act, neither the customer nor its successors retains the right to be assigned to the service area of a different utility at a later time or upon a determination of changed circumstances.

WHEREFORE Xcel prays that Sioux Valley take nothing by its complaint and that the complaint be dismissed on its merits.

Dated this 10<sup>TH</sup> day of May, 2006.

MAY, ADAM, GERDES & THOMPSON LLP

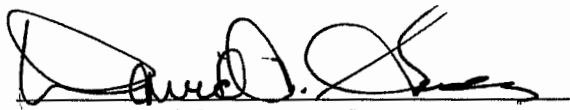
BY: 

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CERTIFICATE OF SERVICE

David A. Gerdes of May, Adam, Gerdes & Thompson LLP hereby certifies that on the 10<sup>TH</sup> day of May, 2006, he mailed by United States mail, first class postage thereon prepaid, a true and correct copy of the foregoing in the above-captioned action to the following at his last known address, to-wit:

Alan F. Glover  
Glover & Helsper, P.C.  
415 Eighth Street South  
Brookings, South Dakota 57006



David A. Gerdes