

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

IN THE MATTER OF THE COMPLAINT FILED))	ORDER GRANTING
BY RAYMOND AND BEVERLY NORDSTROM,))	APPROVAL OF THE TRADE
SPEARFISH, SOUTH DAKOTA, AGAINST))	AGREEMENT; ORDER
BUTTE ELECTRIC COOPERATIVE, INC. AND))	DISMISSING COMPLAINT
BLACK HILLS POWER AND LIGHT))	AND CLOSING DOCKET
REGARDING ELECTRICAL SERVICE TO))	
CERTAIN LOTS IN MOUNTAIN SHADOWS))	EL96-021
MOBILE HOME PARK, SPEARFISH, SD))	

On August 30, 1996, the Public Utilities Commission (Commission) received a formal complaint from Raymond and Beverly Nordstrom, Spearfish, South Dakota, concerning electrical service to certain lots in Mountain Shadows Mobile Home Park. The issue in the complaint is which electric service provider, Butte Electric Cooperative, Inc. (Butte) or Black Hills Power & Light (BHP&L), should provide electrical service to seven lots located in Mountain Shadows Mobile Home Park in Spearfish, SD. The Nordstroms are requesting that the entire park be served by Butte Electric as it is already serving the other 318 lots in the park and the Nordstroms contend that this was the intention of docket EL94-025 which granted approval of a change in service territory between Butte and BHP&L.

Pursuant to ARSD 20:10:01:08.01 and 20:10:01:09, if a complaint cannot be settled without formal action, the Commission shall determine if the complaint shows probable cause of an unlawful or unreasonable act, rate, practice or omission to go forward with the complaint.

On October 8, 1996, at its regularly scheduled meeting, the Commission deferred action in this matter. At its regularly scheduled November 1, 1996, meeting the Commission found probable cause due to a factual dispute and directed the Executive Director to set a procedural schedule.

On December 16, 1996, the Commission received a letter with attached Exhibits A-1 through E-1, the written approval of the affected landowners, from BHP&L and Butte stating that the territory dispute had been resolved. The Nordstroms filed a letter with the Commission on January 2, 1997, asking that the complaint be dismissed. In February 1997, Commission staff discovered that the trade agreement contained an error and directed the parties to resolve it. On July 16, 1997, the parties filed a trade agreement that was acceptable to all parties. The filing included the written approval of the affected landowners.

The Trade Agreement listed the property at issue as follows:

1. BHP&L agrees to trade the following territory to Butte:

Lots 1-7 of Block 12 of Mountain Shadows Estates and located in the SW1/4SE1/4, Section 19, Township 6 North, Range 3 East, Lawrence County, South Dakota.

S1/2SE1/4, Section 27; NE1/4, Section 34; W1/2, Section 35, all in Township 6 North, Range 4 East, Commonly referred to as the Nellie Terrill Development, Lawrence County, South Dakota.

2. Butte agrees to trade the following territory to BHP&L:

Lot 2 (Bk 2 Pg 44) and Lot 3A (Bk 2 Pg 60) NE1/4NW1/4, Section 14, Township 6 North, Range 2 East. This area is also described as Lot 1, portion of Lot 2, Lot 3A, portion of Lot 7, portion of Lot 8, and portion of Open Space of Block 13 of the preliminary plat of Sandstone Hills Subdivision, located in the NE1/4, Section 14, Township 6 North, Range 2 East, Lawrence County, South Dakota.

Lot 8 of Block 11, and portion of Lot 15 of Block 12 that lies contiguous to Sandstone Hills Subdivision, located in the SE1/4, Section 11, Township 6 North, Range 2 East, Lawrence County, South Dakota.

The North 440 Feet \pm , of the NE1/4, Section 14, Township 6 North, Range 2 East, Lawrence County, South Dakota.

At its regularly scheduled July 29, 1997, meeting, the Commission considered this matter. Commission staff recommended approval of the trade agreement, dismissal of the complaint and that the docket be closed.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-34A, specifically 49-34A-55 and ARSD 20:10:01:07.01, 20:10:01:08.01 and 20:10:01:09. Further, the Commission finds that this agreement will promote the efficient use and development of the electric systems of the contracting electric utilities. The Commission therefore concludes that the Trade Agreement is in the public interest and that it shall be approved. The Commission further voted to dismiss the complaint and close the docket. It is therefore

ORDERED that the request for approval of the Trade Agreement as described herein is hereby granted and is effective for service rendered on and after the date of this order; it is further

ORDERED, that the complaint be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 4th day of August, 1997.

CERTIFICATE OF SERVICE	
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>Helaine Kalbs</u>
Date:	<u>8/4/97</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner