



\*\*\*PLEASE TYPE OR PRINT CLEARLY\*\*\*

EL 98-003  
RECEIVED

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

STATE OF SOUTH DAKOTA  
PUBLIC UTILITIES COMMISSION

COMPLAINT

Complainant(s): (The party filing the complaint)		Respondent(s): (The person or Company complained against)	
Name	KEVIN J. MCKEE	Contact Person	Jim Jeffery
Address	4073 R. 1620	Company	BURK HILL POWERLIGHT
City, State, Zip	DEARFIELD, SD 57732	Address	425 CLIFF ST
Work Phone	605-814-5604	City, State, Zip	DEARFIELD, SD 57732
Home Phone	605-527-1075	Work Phone	605-578-3140
Cellular Phone	-	Cellular Phone	-
Fax	-	Fax	-

If the Complainant is represented by an attorney, please list the attorney's name, address, telephone number and fax number below:  
If Complainant is not represented by an attorney, please leave blank:

The facts giving rise to my complaint:

My property lies within BHP's territory but the nearest power is in  
Burr Electric territory.  
I've talked to both power companies and a financial trade is clearly  
the most equitable from both companies and the revenue power  
from BHP's would cost a minimum of \$11.00 per hour that is a real killer  
a right of way over a public property and it is not all considered.  
On the other hand Burr Electric is more than likely to make town my property.  
It would only cost \$336.00 to increase power from Burr.  
It just seems crazy to have to pay at least 2 times as much to  
get it from Burr's side. It's a real issue and should be  
It's financially hard on me to run around.  
Your help would be greatly appreciated.

Kevin McKee

NOTE: Please attach additional pages, if necessary, to explain your situation. Also enclose copies of any bills or other documents which may pertain to your complaint.

RESOLUTION REQUEST

I ask that the Public Utilities Commission grant the following relief. (What do you think the Commission should do to solve this problem?)

I feel that if BHP's would deliver to me in my priority cheaper than Burr's electric even that my property is heavily wooded and in a thin BHP's territory. I thought competition was supposed to benefit the consumer. The company should be able to charge the company that can deliver the service the lowest of the most affordable price. With this being said my resolution request for the BHP's would be to have my priority reduced my resolution. NOTE: Please attach any additional pages, if necessary, to be served by Burr Electric. BHP's with the great difference of costs to receive power from them. 2 companies I don't feel there is an unreasonable request by me means.

VERIFICATION

Signature must be witnessed by a notary public.

Kevin McKee  
Complainant's Signature  
2/23/98  
Date

State of South Dakota

County of Minutemen SS

On this 23rd day of February, 1998, before me personally came and appeared Kevin McKee, known to me to be the individual described herein and who executed the foregoing instrument, and who duly acknowledged to me that he/she executed same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Nancy J. ...  
Signature of Notary Public

My commission expires: 12/11/2002

NORTHERN HILLS MULTIPLE LISTING SERVICE

(General Information Sheet)

RECEIVED

FEB 1993

SOUTH DAKOTA PUBLIC UTILITIES DIVISION

(Type Property) UNIMPROVED LAND  
 Price: \$1,500.00 PER ACRE Terms: CASH, NL OR POSSIBLE CD  
 Date Listed: 10-20-93 Expires: 10-20-95 Taxes: \$345.01 Yr. 1993  
 Office: RECD Ph. 578-3030 Salesman LEO STEWART Ph 578-1645  
 Legal: STERLING AND DENTON #2, MS 1135, LAWRENCE COUNTY, SOUTH DAKOTA

Acres: 19.2 + total

Address: WINDY FLATS AREA - SOUTH OF DEADWOOD

General Information

Restrictive Covenants: YES NO Document # \_\_\_\_\_  
 Zoned PARK FOREST Power Co. BUTTE ELECTRIC Water DRILL WELL  
 Access: OFF HWY. 385 AT FISH-N-FRY CAMPGROUND

Directions: HWY. 385 SOUTH OF DEADWOOD, TURN LEFT JUST BEFORE FISH-N-FRY CAMPGROUND, GO 1 MILE TURN LEFT TOWARD STURGIS, GO 1.5 MILES, TURN LEFT ONTO ALASKAN ROAD, GO .4 MILE, TURN LEFT GO .2 MILES, GO THROUGH GATE ON THE RIGHT, FOLLOW ROAD TO NEXT FENCE, PROPERTY STARTS ABOUT 600 FEET BEYOND FENCE.

Comments:

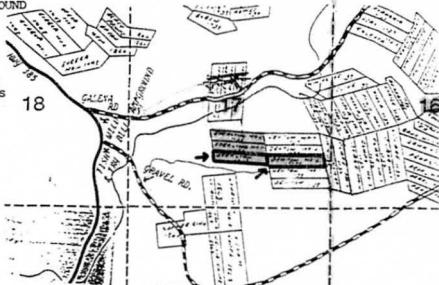
WITHIN 9 MILES OF DEADWOOD

QUIET, WOODED, FAIRLY LEVEL GROUND

MINERAL RIGHTS INCLUDED

ACREAGES:

STERLING M.S. 1135 - 9.1 acres  
DENTON #2, M.S. 1135-10.2 acres  
TOTAL = 19.2 = ACRES



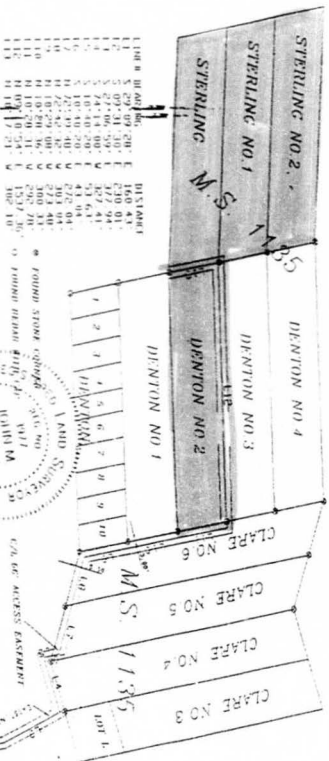
Owner GLADA M. ABEL To Show GO SHOW OR CALL LEO  
 Listing No. RECD 216 Index No. 5%

(These are good faith estimates, we do not warrant the accuracy of the above information)



⇒ Kevin McKee Property

EXHIBIT "A"  
 SHOWING A 66' PRIVATE ACCESS AND UTILITY EASEMENT ACROSS  
 CLARE NO. 5, CLARE NO. 6, DENTON NO. 2,  
 DENTON NO. 3, STERLING NO. 1 OF M.S. 1135  
 LOCATED IN SECTION 16, 8 & 17, T4N R4E, H1M  
 LAWRENCE COUNTY, SOUTH DAKOTA



LINE	B. or 60' Dist.	DISTANCE
11	S. 29° 09' 20" E.	160.43
12	S. 09° 31' 30" E.	620.04
13	S. 89° 59' 30" W.	100.00
14	S. 74° 13' 00" W.	327.41
15	S. 10° 40' 20" E.	515.41
16	N. 25° 30' 40" E.	272.04
17	N. 25° 42' 32" W.	383.04
18	N. 10° 29' 00" W.	272.04
19	N. 10° 20' 31" W.	292.70
20	N. 09° 17' 24" E.	302.10

PREPARED BY: **ARTHUR M. ANSBURCH**  
 200 S. MAIN STREET  
 SIOUX FALLS, S.D. 57102

PROJECT: **PASTORALE**  
 DRAWN BY: **ARTHUR M. ANSBURCH**  
 DATE: **APRIL 26, 1985**

SCALE: **AS SHOWN**  
 DRAWN BY: **ARTHUR M. ANSBURCH**  
 DATE: **APRIL 26, 1985**

1. I, Arthur M. Ansburch, Surveyor, do hereby certify that the above described survey was surveyed and shown hereon in accordance with the laws of the State of South Dakota and that the same is correct and true to the best of my knowledge and belief.

ARTHUR M. ANSBURCH, SURVEYOR

AS-5 1985



THESE 2 ESTIMATES FROM BAPL  
ARE FOR OVERHEAD SERVICE.

OVERHEAD SERVICE WOULD BE QUITE  
UNLIKELY TO OBTAIN SINCE THE  
UNITED STATES FOREST SERVICE OWNS THE  
PROPERTY BETWEEN MY PROPERTY AND THE  
NEAREST BAPL POWER. THE FOREST SERVICE  
REQUIRES ALL POWER TO GO UNDERGROUND.  
SO IN ALL PROBABILITY IT WOULD HAVE  
TO GO UNDERGROUND, WHICH WOULD

TRIPLE THESE ESTIMATES TO :

\$35,640<sup>00</sup> & \$47,520<sup>00</sup>,

THESE COSTS ARE SIMPLY RIDICULOUS TO  
COMPREHEND JUST TO GET POWER TO  
MY PROPERTY ESPECIALLY WHEN BUTTE ELECTRIC  
CAN PROVIDE THE SAME SERVICE FOR A MERE  
FRACTION OF THAT.

**BLACK HILLS POWER AND LIGHT COMPANY**

426 CLIFF ST  
DEADWOOD, SOUTH DAKOTA 57732

TELEPHONE  
(605) 578-3440

May 2, 1996

Kevin McKee  
HC 73 Box 1620  
~~Lead SD. 57732~~  
~~Deadwood SD. 57732~~

Dear Kevin:

Enclosed you will find **two estimates** to get power to your property on the Galena road. The one estimate is to get power to the west end of your property, the other is to get power to the west end of Denton #2. These estimates do not include any transformers or services, which will be added cost when someone builds on one of the lots. The cost also does not include any right of way cost should there be any.

I have marked the different rates on the bottom of the line extension form and if anyone builds on these lots in the first four years you would be entitled to a refund depending on what was built.

Please keep in mind that this property is in Black Hills Power and Lights territory.

If you have any questions please feel free to contact me.

Sincerely,



Jim Jeffery  
Northern Hills District Manager

**RESIDENTIAL LINE EXTENSION**

Original Applicant Kevin McKey Date 1-10-96  
 Service Address \_\_\_\_\_ WA or WOW \_\_\_\_\_  
 Phone # \_\_\_\_\_ Rate \_\_\_\_\_ Rep \_\_\_\_\_

**ESTIMATED CONSTRUCTION COST**

**Distribution Line**

1 O.H. or U.G. *To West End of Property* \$3.00/Ft. X 3760 Ft. = \$ 11,880.00  
 3 O.H. or U.G. \$9.00/Ft. X \_\_\_\_\_ Ft. = \$ \_\_\_\_\_

**Transformers**

1 O.H. \$900.00 Ea. X \_\_\_\_\_ (# of) = \$ \_\_\_\_\_  
 1 U.G. \$1700.00 Ea. X \_\_\_\_\_ (# of) = \$ \_\_\_\_\_

**Switching Modules**

1 U.G. \$1500.00 Ea. X \_\_\_\_\_ (# of) = \$ \_\_\_\_\_  
 3 U.G. \$3800.00 Ea. X \_\_\_\_\_ (# of) = \$ \_\_\_\_\_

**Secondary Service**

O.H. to O.H. \$100.00 Ea. X \_\_\_\_\_ (# of) = \$ \_\_\_\_\_  
 U.G. to U.G. \$300.00 Ea. X \_\_\_\_\_ (# of) = \$ \_\_\_\_\_  
 O.H. to U.G. \$400.00 Ea. X \_\_\_\_\_ (# of) = \$ \_\_\_\_\_

Estimated Construction Cost \$ \_\_\_\_\_

**LINE EXTENSION ALLOWANCE**

Rate 10 *Residential* \$2000.00 Ea. X \_\_\_\_\_ (# of) = \$ < \_\_\_\_\_ >  
 Rate 12 *Residential Total Electric* \$3000.00 Ea. X \_\_\_\_\_ (# of) = \$ < \_\_\_\_\_ >  
 Rate 14 *Residential Total Electric with Demand Controller* \$5000.00 Ea. X \_\_\_\_\_ (# of) = \$ < \_\_\_\_\_ >  
 Seasonal *Cabin* \$1000.00 Ea. X \_\_\_\_\_ (# of) = \$ < \_\_\_\_\_ >

Line Extension Allowance \$ < \_\_\_\_\_ >

Estimated Construction Cost Less Line Extension Allowance \$ \_\_\_\_\_

**RESIDENTIAL LINE EXTENSION**

Original Applicant Kevin M. Key Date 1-10-98  
 Service Address \_\_\_\_\_ WA or WO# \_\_\_\_\_  
 Phone # \_\_\_\_\_ Rate \_\_\_\_\_ Rep \_\_\_\_\_

**ESTIMATED CONSTRUCTION COST**

**Distribution Line** *To West End of Barton #2*

1	O.H. or U.G.	\$3.00/Ft.	X	<u>5280</u> Ft.	=	\$ <u>15,840.00</u>
3	O.H. or U.G.	\$9.00/Ft.	X	_____ Ft.	=	\$ _____

**Transformers**

1	O.H.	\$900.00 Ea.	X	_____ (# of)	=	\$ _____
1	U.G.	\$1700.00 Ea.	X	_____ (# of)	=	\$ _____

**Switching Modules**

1	U.G.	\$1500.00 Ea.	X	_____ (# of)	=	\$ _____
3	U.G.	\$3800.00 Ea.	X	_____ (# of)	=	\$ _____

**Secondary Service**

	O.H. to O.H.	\$100.00 Ea.	X	_____ (# of)	=	\$ _____
	U.G. to U.G.	\$300.00 Ea.	X	_____ (# of)	=	\$ _____
	O.H. to U.G.	\$400.00 Ea.	X	_____ (# of)	=	\$ _____

Estimated Construction Cost \$ \_\_\_\_\_

**LINE EXTENSION ALLOWANCE**

Rate 10	\$2000.00 Ea.	X	_____ (# of)	=	\$ < _____ >
Rate 12	\$3000.00 Ea.	X	_____ (# of)	=	\$ < _____ >
Rate 14	\$5000.00 Ea.	X	_____ (# of)	=	\$ < _____ >
Seasonal	\$1000.00 Ea.	X	_____ (# of)	=	\$ < _____ >

Line Extension Allowance \$ < \_\_\_\_\_ >

Estimated Construction Cost Less Line Extension Allowance \$ \_\_\_\_\_





## Butte Electric Cooperative, Inc.

PO Box 137  
109 S Dartmouth  
Newell SD 57760-0137

Phone: (605) 456-2494  
Fax: (605) 456-2496

May 15, 1996

Kevin McKee  
HC 73, Box 1620  
Deadwood, SD 57732

Re: **Estimate for power into T4NR4E, Section 17, Denton No. 2.**

Dear Mr. McKee:

We have contacted the PUC regarding your request for a quote to bring electric service into the above described property. Since this is in Black Hills Power and Light territory, we can't bring service to you without a formal agreement with Black Hills Power and Light. The PUC, however, has advised us that we can give you an estimate to bring service into this property. Please be advised, that this estimate in no way constitutes an agreement that Butte Electric will provide power to the area requested.

The information that you provided indicates that all of the property in question is in section 17. The closest power that Butte Electric has available is located on the west edge of the Armitage Subdivision, which is approximately 1/4 mile from the section line between sections 16 and 17. Since I have no information to where you exactly want power and have no routing picked out, I can only provide you with a per foot estimate. Generally speaking, you would be looking at around \$3.00 per foot if there are no rock holes involved. You could probably double the cost if rock is encountered and must be blasted. Any right of way clearing will be your responsibility. The above estimates are for overhead construction only and single phase power only. If there are a lot of angles in the line, this could also increase the cost.

As I stated previously, your property lies within Black Hills Power and Light Territory. If BHP is interested in a trade, we would give it consideration, but I don't feel we have any territory to offer that would fall under Jim Jeffery's definition of fair as you indicated in your letter.

I hope that I have provided you with enough information to evaluate your position accurately. If I can be of further assistance, I will do my best to accommodate you.

Sincerely,

BUTTE ELECTRIC COOPERATIVE, INC.

  
David L. Zwetzig

Manager of Operations and Engineering

## F A X TRANSMISSION from Consumer Affairs

To: Jim Jeffery

Company: Black Hills Power & Light

Fax Number: 8-605-578-2799

Date: 2/25/98

Time: 10:37:24

From: Leni Healy

Company: South Dakota PUC

Fax Number: 1-605-773-3809

Pages including cover page: 3

### Message:

We have received the following formal complaint from Kevin McKee requesting a change in service territory.

Commission policy allows a 48-hour period in which all of the parties may attempt an informal settlement. After that period, the issue becomes a docketed matter and is scheduled to be heard at a Commission meeting.

If an agreement is not reached by Friday, February 27th at 5 PM, this issue will become a formal, docketed matter. Please let us know if such an agreement has been reached.

Thank you.

THIS COMMUNICATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any distribution, use or copying of this communication is prohibited.

### **South Dakota Public Utilities Commission**

*State Capitol Building; Pierre SD 57501*

*Telephone: (605) 773-3201 Fax: (605) 773-3809*



# South Dakota Public Utilities Commission



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

July 9, 1998

Mr. Kevin J. McKee  
HC 73, Box 1620  
Deadwood, SD 57732

Mr. Jim Jeffery  
Black Hills Power and Light Company  
425 Cliff Street  
Deadwood, SD 57732

Re: Complaint of Kevin J. McKee v  
Black Hills Power and Light Company  
Docket EL98-003

Gentlemen,

The Commission received this complaint on February 25, 1998. This matter was deferred at the Commission's March 10, 1998, meeting, to allow the parties to see if there was any amicable agreement that could be reached with regard to either a service rights or territory swap. My notes indicate that the last contact I had on this was on May 21, 1998, when I called Mr. McKee to see what was happening.

I have heard nothing further on this matter. The Commission has a meeting coming up on July 21, 1998, and staff is prepared to have this put on the docket for the Commission's consideration. The issue before the Commission will be whether there is probable cause that Black Hills Power and Light has committed an unlawful or unreasonable act, rate, practice, or omission.

If there has been any sort of a settlement reached in this matter, could you please let me know prior to July 21? In any event, it is staff's intention to have this matter placed on the agenda.

Very truly yours,

Camron Hoseck  
Staff Attorney

CH dk

cc: Mr. John Nooney  
Ms. Leni Healy

Capitol Office  
Telephone (605)773-3201  
FAX (605)773-3809

Transportation  
Warehouse Division  
Telephone (605)773-5280  
FAX (605)773-3225

Consumer Hotline  
1-800-332-1782

TTY Through  
Relay South Dakota  
1-800-877-1113

Internet  
bill@psc.state.sd.us

Jim Burg  
Chairman  
Pam Nelson  
Vice-Chairman  
Lanka Schoenfelder  
Commissioner

William Ballard Jr.  
Executive Director

Edward R. Anderson  
Harian Bost  
Martin C. Betmann  
Charlie Belle  
Sue Cichos  
Karen E. Cramer  
Marlette Fuchsbach  
Sharon Fugot  
Lewin Hammond  
Kate Hartford  
Lem Healy  
Camron Hoseck  
Dave Jacobson  
Bob Knadle  
Delaine Kolbo  
Jeffrey P. Loverson  
Terry Norman  
Gregory A. Reilov  
Tamara Stangor  
Steven M. Wegman  
Rosalynne Ault West

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

IN THE MATTER OF THE COMPLAINT )	ORDER FINDING NO
FILED BY KEVIN J. MCKEE, DEADWOOD, )	PROBABLE CAUSE, DISMISSING
SOUTH DAKOTA, AGAINST BLACK HILLS )	COMPLAINT AND CLOSING
POWER AND LIGHT COMPANY )	DOCKET
REGARDING RECEIVING ELECTRICAL )	
SERVICE )	EL98-003

On February 25, 1998, the Public Utilities Commission (Commission) received a Complaint filed by Kevin J. McKee, Deadwood, South Dakota, against Black Hills Power and Light Company (BHPL) regarding receiving electrical service. The complainant states: "My property lies within BHPL territory, but the nearest power is in Butte Electric territory. I've talked to both power companies and a territorial trade is unlikely. I've received estimates from both companies and to receive power from BHPL would cost a minimum of \$11,880.00 and that is if I can obtain a right of way over a neighbor's property and if it were all overhead. On the other hand Butte Electric is approximately 1/4 mile from my property. It would only cost \$3,960.00 to receive power from them. . . ." Mr. McKee requested to have the property released by BHPL and to be served by Butte Electric.

On March 10, 1998, at a duly noticed Commission meeting, the Commission considered this complaint along with presentations by the interested parties. The Commission deferred any action on the complaint at that time.

On July 23, 1998, at its duly noticed meeting, the Commission reviewed the Complaint as well as comments from BHPL and complainant.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-34A, specifically 49-34A-58, and ARSD 20 10 01.08 01 and 20 10 01.09.

The Commission unanimously voted to find no probable cause of an unlawful or unreasonable act, rate, practice, or omission on the part of BHPL and to dismiss the Complaint and close the docket. As the Commission's final decision in this matter, it is therefore

ORDERED, that the Commission does not find probable cause of an unlawful or unreasonable act, rate, practice or omission and therefore the Complaint is dismissed and docket EL98-003 is hereby closed.

Dated at Pierre, South Dakota, this 5<sup>th</sup> day of August, 1998

**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 *Alvin Kelle*

Date 8/6/98

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

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

*Pam Nelson*  
PAM NELSON, Commissioner

*Laska Schoenfelder*  
LASKA SCHOENFELDER, Commissioner