

KC/M7

In the Matter of \_\_\_\_\_

IN THE MATTER OF THE FILING FOR  
APPROVAL OF A CONSENT AND  
AGREEMENT FOR ELECTRIC SERVICE  
IN ASSIGNED SERVICE TERRITORY  
OF ANOTHER ELECTRIC SUPPLIER  
BETWEEN NORTHWESTERN ENERGY  
AND NORTHERN ELECTRIC  
COOPERATIVE, INC.

**Public Utilities Commission of the State of South Dakota**

DATE	MEMORANDA
4/30 03	Filed and docketed;
5/1 03	Weekly Filings;
5/22 03	Consent signed by Mark LaBrie;
6/10 03	Order Granting Approval of an Exception to the Assigned Electric Service Territory;
6/10 03	Docket Closed.

**Richards & Oliver**  
Attorneys at Law

Carlyle E. Richards, P.C.  
Harvey A. Oliver Prof. L.L.C. \*  
Kimberly A. Dorsett

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222 Midwest Building  
P.O. Box 114  
Aberdeen, SD 57402-0114

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\* Also Licensed in  
North Dakota  
Minnesota

April 29, 2003

Ms. Pam Bonrud, Exec. Director  
SD Public Utilities Commission  
State Capitol Building  
Pierre, SD 57501

**RECEIVED**  
APR 30 2003  
SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

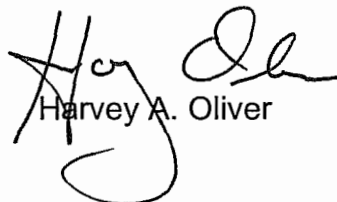
Dear Ms. Bonrud:

Enclosed for filing please find a Consent and Agreement For Electric Service In Assigned Service Territory Of Another Electric Supplier.

If the commission needs any additional information or documents would you please contact the undersigned?

Please advise as to when the matter will be placed on the Commission's agenda. It would not be the intention of either NorthWestern Energy or Northern Electric Cooperative to appear before the Commission unless you see a need to. Thank you in advance for your consideration.

Sincerely,

  
Harvey A. Oliver

HAO/dp  
cc: Ron Gogolin  
cc: Jim Moore

**CONSENT AND AGREEMENT FOR  
ELECTRIC SERVICE IN  
ASSIGNED SERVICE TERRITORY  
OF ANOTHER ELECTRIC SUPPLIER**

NorthWestern Energy, a Division of NorthWestern Corporation, a Delaware Corporation ("**NorthWestern**"), 600 Market Street West, Huron, South Dakota 57350 and Northern Electric Cooperative, Inc. ("**Northern**"), Bath, South Dakota 57427 are both electric suppliers in Section Six (6), Township One Hundred Sixteen North (T.116 N.), Range Sixty-one West (R.61 W.) of the Fifth (5th) Principal Meridian, Spink County, South Dakota. Both **NorthWestern** and **Northern** have assigned Service Territories in said Section Six (6) under the laws of the Public Utilities Commission. By this Consent and Agreement **NorthWestern** hereby agrees to allow **Northern** to supply electric service in its assigned service area, pursuant to the provisions of this Consent and Agreement. The execution of this Consent and Agreement is made with the understanding and agreement that the land described herein shall remain a part of the assigned service area of **NorthWestern**, and that by virtue of this Consent and Agreement, **Northern** does not acquire any assigned service area rights in any portion of the property, nor will **Northern** acquire any rights to provide electric service in the area or in any other area on the basis of the electric line construction allowed pursuant to this Consent and Agreement. Furthermore, this Consent and Agreement shall not be admissible in evidence before any court or commission, nor shall it constitute or establish at any time a precedent between **NorthWestern** and **Northern**.

**NorthWestern** consents to **Northern** providing **Electrical Service** to the house and future out buildings on the property owned by Mark Labrie and Rebecca Labrie, husband and wife and described as follows:

- That part of the Southwest Quarter (SW1/4) West of South Dakota Highway 37 in Section Six (S6), Township One Hundred Sixteen North (T.116 N.), Range Sixty-one West (R. 61 W.) of the Fifth (5th) Principal Meridian, Spink County, South Dakota, Except The North Nine Hundred Forty-nine feet (949') and Except the Railroad right-of-way and Except Lot H-1 and H-2, and;

The abandoned Railroad right-of-way in the Southwest Quarter (SW1/4) West of South Dakota Highway 37 in Section Six (S6), Township One Hundred Sixteen North (T.116 N.), Range Sixty-one West (R. 61 W.) of the Fifth (5th) Principal Meridian, Spink County, South Dakota.

as shown on the drawing attached as Exhibit "A"

This Consent and Agreement is effective only after being approved by the Public Utilities Commission.

Dated this 29<sup>th</sup> day of April, 2003.

NORTHWESTERN ENERGY

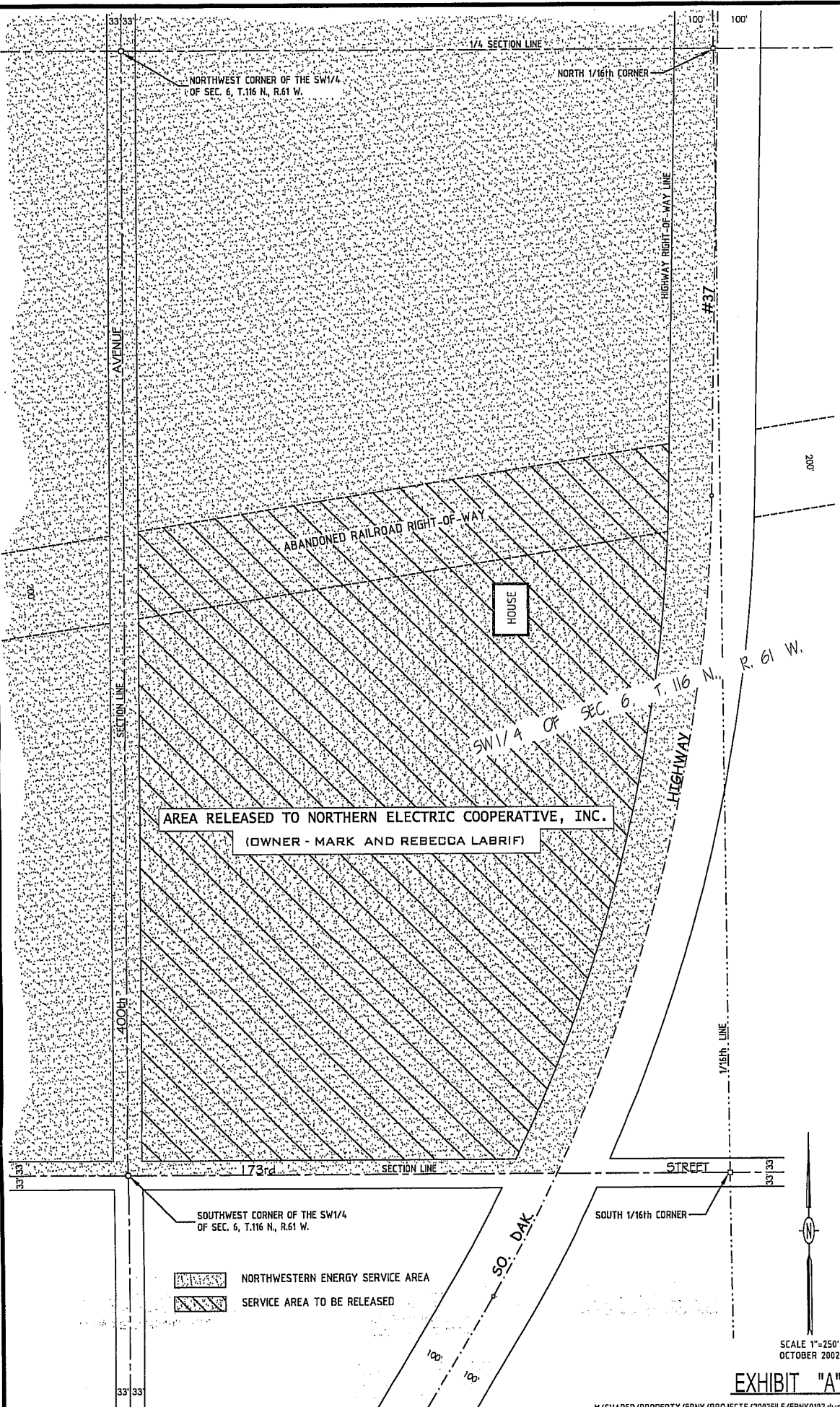
By: Ron Gogolev

Its: Coordinator - Land & Easement

NORTHERN ELECTRIC COOPERATIVE, INC

By: Harry Olin

Its: General Council



NORTHWEST CORNER OF THE SW1/4  
OF SEC. 6, T.116 N., R.61 W.

NORTH 1/16th CORNER

ABANDONED RAILROAD RIGHT-OF-WAY



HOUSE

AREA RELEASED TO NORTHERN ELECTRIC COOPERATIVE, INC.  
(OWNER - MARK AND REBECCA LABRIF)

SW 1/4 OF SEC. 6, T. 116 N., R. 61 W.

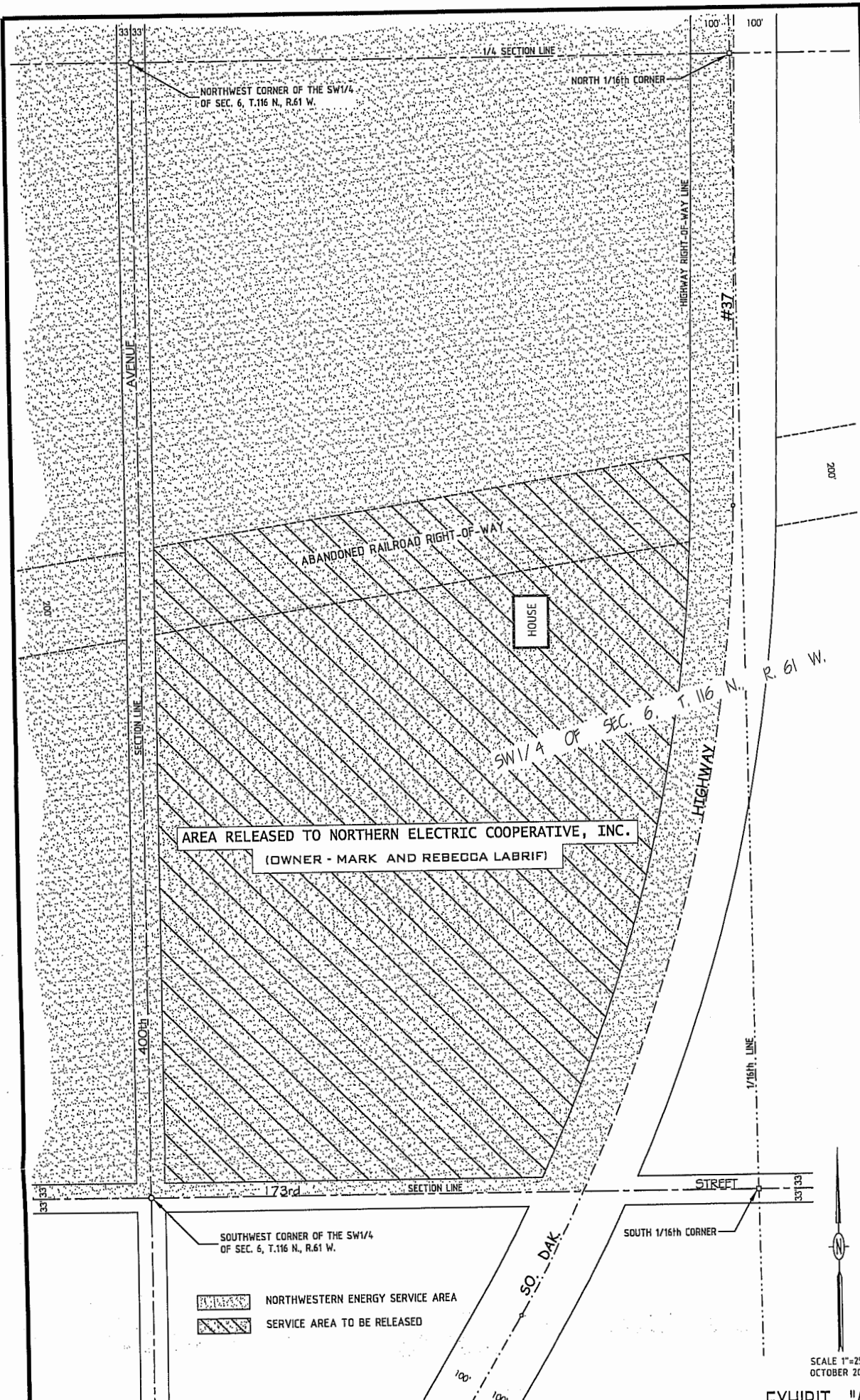
SOUTHWEST CORNER OF THE SW1/4  
OF SEC. 6, T.116 N., R.61 W.

SOUTH 1/16th CORNER

-  NORTHWESTERN ENERGY SERVICE AREA
-  SERVICE AREA TO BE RELEASED

SCALE 1"=250'  
OCTOBER 2002

EXHIBIT "A"



NORTHWEST CORNER OF THE SW1/4  
OF SEC. 6, T.116 N, R.61 W.

NORTH 1/16th CORNER

1/4 SECTION LINE

AVENUE

HIGHWAY RIGHT-OF-WAY LINE

#37

ABANDONED RAILROAD RIGHT-OF-WAY

HOUSE

SW 1/4 OF SEC. 6, T. 116 N, R. 61 W.

AREA RELEASED TO NORTHERN ELECTRIC COOPERATIVE, INC.  
(OWNER - MARK AND REBECCA LABRIF)

HIGHWAY

R. 61 W.

SECTION LINE

400ft

1/16th LINE

173rd



SECTION LINE

STREET

SOUTHWEST CORNER OF THE SW1/4  
OF SEC. 5, T.116 N, R.61 W.

SOUTH 1/16th CORNER

S. DAK

-  NORTHWESTERN ENERGY SERVICE AREA
-  SERVICE AREA TO BE RELEASED

SCALE 1"=250'  
OCTOBER 2002

EXHIBIT "A"

**South Dakota Public Utilities Commission**  
**WEEKLY FILINGS**  
**For the Period of April 24, 2003 through April 30, 2003**

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact  
Delaine Kolbo within five business days of this report. Phone: 605-773-3705

**ELECTRIC**

**EL03-015 In the Matter of the Filing for Approval of a Consent and Agreement for Electric Service in Assigned Service Territory of Another Electric Supplier between NorthWestern Energy and Northern Electric Cooperative, Inc.**

NorthWestern Energy (NorthWestern) and Northern Electric Cooperative (Northern) filed a joint petition for approval of an electric service rights exception. NorthWestern consents to Northern providing electrical service to the house and future out buildings on the property owned by Mark and Rebecca Labrie described as that part of the SW 1/4 West of SD Highway 37 in S6, T116N, R61W of the 5th P.M., Spink County, SD, except the North 949 feet, the Railroad right-of-way, and Lot H-1 and H-2, and; the abandoned Railroad right-of-way in the SW 1/4 West of SD Highway 37 in S6, T116N, R61W of the 5th P.M. Spink County, SD.

Staff Analyst: Michele Farris  
Staff Attorney: Karen Cremer  
Date Docketed: 04/30/03  
Intervention Deadline: 05/16/03

**TELECOMMUNICATIONS**

**TC03-073 In the Matter of the Filing for Approval of an Amendment to an Interconnection Agreement between Qwest Corporation and DIECA Communications, Inc. d/b/a Covad Communications Company.**

On April 24, 2003, the Commission received a filing for approval of an Amendment to an Interconnection Agreement between Qwest Corporation and DIECA Communications, Inc. d/b/a Covad Communications Company. According to the filing, the amendment is made in order to add terms, conditions and rates for DC Power Reduction Procedure as set forth in Attachment 1 and Exhibit A to this Amendment. The original agreement was approved by the Commission on November 18, 1999, in Docket No. TC99-017. Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than May 14, 2003. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier  
Date Docketed: 04/24/03  
Initial Comments Due: 05/14/03

**TC03-074 In the Matter of the Filing for Approval of an Amendment to an Interconnection Agreement between Qwest Corporation and McLeodUSA Telecommunications Services, Inc.**

On April 28, 2003, the Commission received a filing for approval of an Amendment to an Interconnection Agreement between McLeodUSA Telecommunications Services, Inc. and Qwest Corporation.

According to the parties, the amendment is made in order to add terms, conditions and rates for Collocation Available Inventory, as set forth in Attachment 1 and Exhibit A to the amendment. The original agreement was approved by the Commission on July 23, 1999, in Docket No. TC99-057. Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than May 19, 2003. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier  
Date Docketed: 04/28/03  
Initial Comments Due: 05/19/03

**TC03-075 In the Matter of the Filing by Qwest Corporation for Approval of Revisions to its Access Services Tariff.**

On April 28, 2003, Qwest Corporation filed a revision to its South Dakota Access Services Tariff. This revision removes the Self Healing Alternate Route Protection (SHARP) feature from the tariff.

Staff Analyst: Keith Senger  
Staff Attorney: Karen Cremer  
Date Docketed: 04/28/03  
Intervention Deadline: 05/16/03

**TC03-076 In the Matter of the Filing for Approval of a Reciprocal Transport and Termination Agreement between PrairieWave Telecommunications, Inc. and Rural Cellular Corporation.**

On April 29, 2003, the Commission received a filing for approval of a Reciprocal Transport and Termination Agreement between PrairieWave Telecommunications, Inc. and Rural Cellular Corporation. According to the filing, the parties wish to put in place an arrangement for the mutual exchange and reciprocal compensation of local telecommunications traffic which is intended to supersede any previous arrangements between the parties relating to such traffic. Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than May 19, 2003. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier  
Date Docketed: 04/29/03  
Initial Comments Due: 05/19/03

**TC03-077 In the Matter of the Filing for Approval of a Reciprocal Transport and Termination Agreement between PrairieWave Telecommunications, Inc. and Wireless Alliance, LLC.**

On April 29, 2003, the Commission received a filing for approval of a Reciprocal Transport and Termination Agreement between PrairieWave Telecommunications, Inc. and Wireless Alliance, LLC. According to the filing, the parties wish to put in place an arrangement for the mutual exchange and reciprocal compensation of local telecommunications traffic which is intended to supersede any previous arrangements between the parties relating to such traffic. Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than May 19, 2003. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier  
Date Docketed: 04/29/03  
Initial Comments Due: 05/19/03

**TC03-078 In the Matter of the Application of Dialaround Enterprises Inc. for a Certificate of Authority to Provide Interexchange Telecommunications Services in South Dakota.**

Dialaround Enterprises Inc. has filed an application for a Certificate of Authority to provide interexchange telecommunications services in South Dakota. The applicant intends to provide resold interexchange services, including 1+ and 101XXXX outbound dialing, 800/888 toll-free inbound dialing, directory assistance, conference calling, calling card, prepaid calling card and private line service to presubscribed business and residential customers in South Dakota.

Staff Analyst: Bonnie Bjork  
Staff Attorney: Karen Cremer  
Date Docketed: 04/30/03  
Intervention Deadline: 05/16/03

**TC03-079 In the Matter of the Application of Dogstar Telephone Co. for a Certificate of Authority to Provide Local Exchange Services in South Dakota.**

Dogstar Telephone Co. has filed an application for a Certificate of Authority to provide resold local exchange telephone services in South Dakota. The applicant intends to provide resold local exchange telecommunication services to business and residential customers including a basic local exchange service option for residential customers, 911 and enhanced 911 emergency service, directory assistance, operator-assisted dialing, and lifeline services in Qwest served telephone areas.

Staff Analyst: Bonnie Bjork  
Staff Attorney: Kelly Frazier  
Date Docketed: 04/30/03  
Intervention Deadline: 05/16/03

**TC03-080 In the Matter of the Filing for Approval of a Type 2 Wireless Interconnection Agreement between Qwest Corporation and Commnet Wireless Inc.**

On April 30, 2003, the Commission received a filing for approval of a Type 2 Wireless Interconnection Agreement between Qwest Corporation (Qwest) and Commnet Wireless Inc. According to the parties, the agreement is a negotiated agreement which sets forth the terms, conditions and pricing under which Qwest will offer and provide to any requesting WSP network interconnection, access to unbundled network elements and ancillary services within the geographical areas in which Qwest is providing local exchange service at that time, and for which Qwest is the incumbent local exchange carrier within the state of South Dakota for purposes of providing local two way wireless services. Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than May 20, 2003. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier  
Date Docketed: 04/30/03  
Initial Comments Due: 05/20/03

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**PUBLIC UTILITIES COMMISSION**

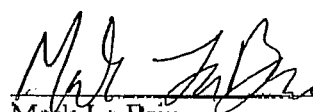
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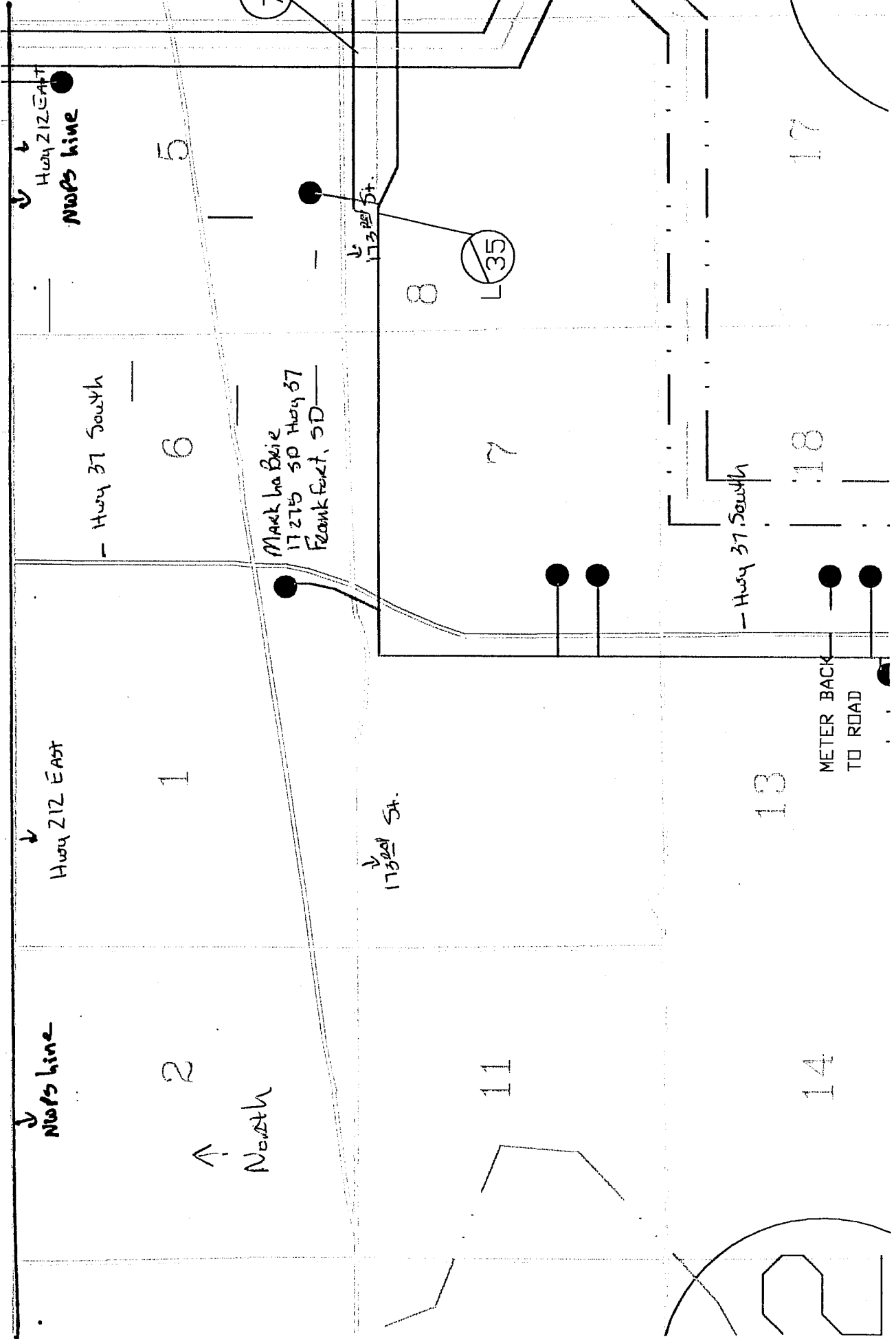
**THE STATE OF SOUTH DAKOTA**

**CONSENT TO PETITION OF NORTHWESTERN ENERGY  
AND NORTHERN ELECTRIC COOPERATIVE, INC.  
FOR SERVICE RIGHTS EXCEPTION**

The undersigned has reviewed the petition of Northwestern Energy and Northern Electric Cooperative, Inc. seeking authority from the South Dakota Public Utilities Commission with regard to a service rights exception covering my new home. I consent to being served by Northern Electric Cooperative, Inc. instead of Northwestern Energy and request that the Public Utilities Commission grant the request for a service rights exception.

Dated this 9 day of April, 2003.

  
\_\_\_\_\_  
Mark La Brie  
17275 SD Highway 37  
Frankfort, SD 57440



NWPs line

Hwy 212 East

Hwy 212 East  
NWPs line

North

1

6

Hwy 37 South

Mark the Drive  
172th SD Hwy 37  
Frankfort, SD

173rd St.

8

11

7

35

13

Hwy 37 South

18

17

14

METER BACK  
TO ROAD

ELO3-015

**Richards & Oliver**  
**Attorneys at Law**

Carlyle E. Richards, P.C.  
Harvey A. Oliver Prof. L.L.C. \*  
Kimberly A. Dorsett

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\* Also Licensed in  
North Dakota  
Minnesota

May 13, 2003

**RECEIVED**

MAY 22 2003

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

Ms. Michelle Farris, P.E.  
Utility Analyst  
500 East Capitol Avenue  
Pierre, SD 57501-5070

Re: NEC Petition for Service Rights Exception

Dear Ms. Farris:

Per your letter of May 9, 2003, I would provide the following additional information. Both NorthWestern Energy and Northern Electric, as well as Mr. La Brie, consistent with the provisions of SDCL § 49-34A-35 believe it would be most efficient and economical for Northern Electric to continue to serve Mr. La Brie.

This is premised upon the fact that Mr. La Brie's home and outbuildings are located much closer to the facilities of Northern Electric Cooperative than NorthWestern Energy. Northern Electric Cooperative had facilities available to Mr. La Brie within 1,390 feet of his home.

NorthWestern Energy on the other hand, would have been required to construct a distribution line of three-fourths of a mile in order to serve Mr. La Brie's home.

Therefore, by allowing Northern Electric Cooperative to serve Mr. La Brie there has been a substantial savings in construction costs.

Also, please be aware of the fact that pursuant to an agreement between the two companies, Northern Electric Cooperative is already serving the La Brie home. If the Public Utilities Commission would not approve the Service Rights Exception Northern Electric would have to retire the current facility serving the La Brie home resulting in a substantial waste of expenditures, and then NorthWestern Energy would have to construct distribution line to the La Brie home at a substantially greater expense than was incurred by Northern.

I am attaching to this correspondence a map which depicts the location of Mr. La Brie's home. The blue line indicates the nearest available NorthWestern Energy power line. The green line indicates the present location of Northern Electric Cooperative's distribution line. The yellow highlighted segment indicates the proposed line extension to the La Brie home.

I am also enclosing a consent signed by Mr. La Brie to the relief requested in the petition.

If I can be of any more assistance, please let me know.

Sincerely,



Harvey A. Oliver

HAO/dp  
Enclosures

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

IN THE MATTER OF THE FILING FOR ) APPROVAL OF A CONSENT AND ) AGREEMENT FOR ELECTRIC SERVICE IN ) ASSIGNED SERVICE TERRITORY OF ) ANOTHER ELECTRIC SUPPLIER BETWEEN ) NORTHWESTERN ENERGY AND NORTHERN ) ELECTRIC COOPERATIVE, INC. )	ORDER GRANTING ) APPROVAL OF AN ) EXCEPTION TO THE ) ASSIGNED ELECTRIC ) SERVICE TERRITORY ) EL03-015
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On April 30, 2003, NorthWestern Energy and Northern Electric Cooperative, Inc. filed a "Consent and Agreement for Electric Service in Assigned Service Territory of Another Electric Supplier." NorthWestern Energy consents to Northern Electric Cooperative, Inc. providing electrical service to the house and future out buildings on the property owned by Mark and Rebecca Labrie described as that part of the SW1/4 West of South Dakota Highway 37 in Section 6, Township 116 North, Range 61 West of the Fifth Principal Meridian, Spink County, South Dakota, except the North 949 feet, the Railroad right-of-way, and Lot H-1 and H-2, and; the abandoned Railroad right-of-way in the SW1/4 West of South Dakota Highway 37 in Section 6, Township 116 North, Range 61 West of the Fifth Principal Meridian, Spink County, South Dakota. Mark and Rebecca Labrie have consented to this transfer.

At its regularly scheduled meeting of June 3, 2003, the Commission considered the matter. Commission Staff recommended approval of the joint request.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-34A, specifically 49-34A-42 and 49-34A-55. Further, the Commission finds that Northern Electric Cooperative, Inc. may provide electrical service to the house and future out buildings on the above described property as it will avoid unnecessary duplication of facilities, provide adequate electric service to all customers affected, and promote the efficient use and development of the electric systems of Northern Electric Cooperative, Inc. and NorthWestern Energy. Further, the Commission finds that an exception to the assigned service territory is in the public interest and the request shall be granted. It is therefore

ORDERED, that the request seeking approval of an exception to the assignment of service territory is hereby granted.

Dated at Pierre, South Dakota, this 10<sup>th</sup> day of June, 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>Melaine Kolbo</u>
Date:	<u>6/12/03</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

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

Gary Hanson  
GARY HANSON, Commissioner

James A. Burg  
JAMES A. BURG, Commissioner