



Butte Electric Cooperative, Inc.

A Touchstone EnergySM Partner



PO Box 137
109 S Dartmouth
Newell, SD 57760-0137

Phone: (605) 456-2494
800-928-8839

Fax: (605) 456-2496
www.butteelectric.com

June 20, 2005

South Dakota Public Utilities Commission
Ms. Pam Bonrud, Executive Director
500 East Capitol Avenue
Pierre, SD 57501-5070

RECEIVED
AUG 02 2005

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Re: Docket #EL05-014 - Amended Request for Approval of an Electric Service Territory Agreement Jointly Submitted by Butte Electric Cooperative and Black Hills Power

Dear Ms. Bonrud:

The purpose of this letter is to amend the request for Approval and Electric Service Territory Agreement dated March 24, 2005. Please substitute this request and enclosed exhibits in its entirety for the previous request. The reason for the substitution is due to discrepancies discovered in the original request, which this request should correct and clarify. Butte Electric Cooperative, Inc. (Butte) and Black Hills Power (BHP) submit this joint request for approval to exchange the following service territory:

A. Exchange Request #1 – Exit 17 Lift Station

a. To Black Hills Power

1. Butte agrees to trade that portion of the NW1/4SW1/4 of Section 14 of Township 6 North, Range 3 East, Black Hills Meridian, Lawrence County, South Dakota located south of Interstate 90 and north of Highway 14 from Butte territory to BHP territory. Refer to Attachment G. Territory to BHP is highlighted in yellow.
2. Presently there are no services located within this territory. It is anticipated that there will be a sewer lift station located within this territory to service future expansion towards Exit 17. It is unknown as to what the usage will be and when it will occur. The engineer's present plans include the installation of two 25-hp pumps. One pump would operate as the main and the other as back up

~~b. To Butte Electric Cooperative, Inc.~~

- ~~1. BHP has agreed to compensate Butte when usage occurs.~~

012
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B. Exchange Request #2 – Sandstone Hills/Countryside Subdivision

a. To Black Hills Power

1. Township 6 North, Range 2 East, Section 11 Black Hills Meridian, Lawrence County, South Dakota - Lot 26 in Section 11 of Sandstone Hills is located in Butte Electric territory. Lot 26 in Section 11 of Sandstone Hills would be transferred from Butte territory to BHP territory. Refer to Attachment A. Territory to BHP is highlighted in yellow.
 2. Omit – Traded previously to BHP in Docket EL96-021 – Territory omitted is highlighted in green.
 3. Omit – Traded previously to BHP in Docket EL96-021 – Territory omitted is highlighted in green.
 4. Township 6 North, Range 2 East, Section 13, Black Hills Meridian, Lawrence County, South Dakota – A portion of Lot 31 of Block 14 of Sandstone Hills is located in Butte Electric territory. Butte Electric's portion of this lot would be transferred from Butte territory to BHP territory. Refer to Attachment C. Territory to BHP is highlighted in yellow.
 5. Township 6 North, Range 2 East, Section 13, Black Hills Meridian, Lawrence County, South Dakota – A portion Lot 17 of Block 15 of Sandstone Hills is located in Butte Electric territory. Butte Electric's portion of this lot would be transferred from Butte territory to BHP territory. Refer to Attachment C. Territory to BHP is highlighted in yellow.
 6. Township 6 North, Range 2 East, Section 13, Black Hills Meridian, Lawrence County, South Dakota – A portion of Lot 1 of Block 16 of Sandstone Hills is located in Butte Electric territory. Butte Electric's portion of this lot would be transferred from Butte territory to BHP territory. Refer to Attachment C. Territory to BHP is highlighted in yellow.
 7. Township 6 North, Range 2 East, Section 13, Black Hills Meridian, Lawrence County, South Dakota – A portion of Lot 1, Lot 2 and a portion of Lot 3 of Block 16 of Sandstone Hills is located in Butte Electric territory. The Butte Electric portion of lots 1 and 3 and lot 2 would be transferred from Butte territory to BHP territory. Refer to Attachment C. Territory to BHP is highlighted in yellow.
- b. To Butte Electric Cooperative
1. Township 6 North, Range 2 East, Section 13, Black Hills Meridian, Lawrence County, South Dakota – A portion of Tract 1 (Church Lot) of Sandstone Hills Subdivision is located in BHP territory. The BHP portion of this tract would be transferred from

BHP territory to Butte territory. Refer to Attachment B. Territory to Butte is highlighted in orange.

2. Township 6 North, Range 2 East, Section 13, Black Hills Meridian, Lawrence County, South Dakota – A portion of Lot 32 or 32A (depending on which plat) of Block 17 of Sandstone Hills Subdivision is located in BHP territory. The BHP portion of this lot would be transferred from BHP territory to Butte territory. Refer to Attachment C. Territory to Butte is highlighted in orange.
3. Township 6 North, Range 2 East, Section 13, Black Hills Meridian, Lawrence County, South Dakota – A portion of Lot 1 of Block 9 of Countryside Subdivision is located in BHP territory. The BHP portion of this lot would be transferred from BHP territory to Butte territory. Refer to Attachment B. Territory to Butte highlighted in orange.
4. Township 6 North, Range 2 East, Section 13, Black Hills Meridian, Lawrence County, South Dakota – Lots 1 & 2 of Block 14 and Lots 3-7 of Block 15 of Countryside Subdivision is located in Butte territory. This property was previously owned by Bud Dodd's, with the residence and outbuildings being served as a frozen consumer by BHP in Butte territory. Jim Boke purchased the property and platted it into the above referenced lots. These lots would remain in Butte territory and be served by Butte on a permanent basis. Refer to Attachment B. Butte frozen consumer territory to be served by Butte is highlighted in pink.
5. Township 6 North, Range 2 East, Section 13, SW4NW4, Black Hills Meridian, Lawrence County, South Dakota – The Jim Boke (old Bud Dodd's) residence and out buildings located on the north side of Windmill Drive in Block 15 of Countryside Subdivision is located in Butte territory. This property was being served as a frozen consumer by BHP in Butte territory. As part of the 27th Street road project and, as part of this territory exchange agreement, Butte is now serving this consumer. This consumer would remain in Butte territory and be served by Butte on a permanent basis. Refer to Attachment B. Frozen consumer to be in Butte territory to be served by Butte is highlighted in pink.
6. Township 6 North, Range 2 East, Section 13, NE4NE4, Black Hills Meridian, Lawrence County, South Dakota – The present Bud Dodd's residence is located on the north side of 27th Street and is located in BHP territory. This property is being served by Butte as a result of a discrepancy in interpreting the territory boundary. BHP has agreed to allow Butte to serve this consumer on a permanent basis and trade that portion of Township 6 North, Range 2 East, Section 13, NE4NE4, Black Hills Meridian,

Lawrence County, South Dakota, located on the north side of 27th street to Butte. Refer to Attachment B. Territory to Butte highlighted in orange.

C. Exchange Request #3 - Highway 85 Line Relocation and Construction

a. To Black Hills Power

1. The Ted Vore and Dixie Williams residence is located on the west side of Highway 85 in the Redwater Hill area. This is the only consumer Butte has on the west side of Highway 85 in Township 7 North, Range 2 East, Section 3, Black Hills Meridian, Butte County, South Dakota. Our line relocation is going to take us further away and would be a lengthy line replacement. BHP already has an existing line in close proximity to this consumer. Mr. Vore has agreed to allow Butte to trade him to BHP. BHP has agreed to provide service to Mr. Vore & Ms. Williams. Butte has agreed to transfer the territory to BHP and trade the remaining Butte territory in Township 7 North, Range 2 East, Section 3, Black Hills Meridian, Butte County, South Dakota, located on the west side of Highway 85 to BHP. Butte will pay the BHP cost above their normal line extension cost to provide service to Mr. Vore & Ms. Williams. Refer to Designation B on Attachment D. Territory to BHP is highlighted in yellow.

b. To Butte Electric

1. As a result of the Highway 85 line relocation in Township 7 North, Range 2 East, Section 3, Black Hills Meridian, Butte County, South Dakota, we would be crossing the property of Harvey Keene & Catherine Nott. Their property is presently located in BHP territory. Mr. Keene & Ms. Nott indicates, that they may build a residence on this property in the future. As part of the easement to relocate the line on their property, they would like to be able to receive service from our line. The proposed line relocation route will be in close proximity to the potential building site. This property is the only BHP territory on the east side of Highway 85 in Township 7 North, Range 2 East, Section 3, Black Hills Meridian. This trade provides compensation to Butte for the trade described as Designation B on Attachment D and also provides for a more uniform territory division. BHP agrees to trade that portion of Township 7 North, Range 2 East, Section 3, Black Hills Meridian, Butte County, South Dakota, located on the east side of Highway 85 to Butte. Refer to Designation A on Attachment D. Territory to Butte is highlighted in orange.

D. Exchange Request #4 – Kevin McKee

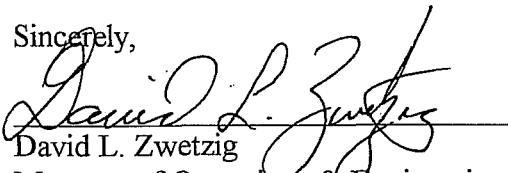
a. To Butte Electric

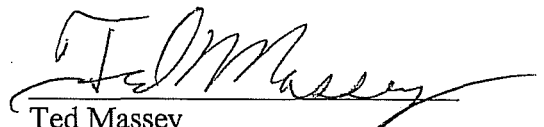
1. Back in 1998, Kevin McKee was looking for a line extension in Township 4 North, Range 4 East, Section 17, Black Hills Meridian, Lawrence County, South Dakota. This was part of Mineral survey 1135. The line extension being requested would have ended up in BHP territory. At the time, Mr. McKee complained to the PUC about the issue. In the end, he wanted Butte to serve him, but we were not very interested, because it was not our territory and essentially there was no load to be served. The last correspondence I received from Jim Jeffery was that we could serve him on a temporary basis. We declined this offer, but would consider it on a permanent basis. That was the last I heard until February of 2004, when Mr. McKee requested power to a well in what turns out to be the same area. I advised him that the situation was much the same as it was in 1998 and the Butte was not interested in serving the area on a temporary basis. To my surprise, he produced a letter from Jim Jeffery dated July 20, 1998, allowing Butte to serve the area on a permanent basis. The letter was addressed to me, but I have no previous knowledge of the letter. I told Mr. McKee, that I needed to verify with BHP that the offer to trade was still valid. BHP has confirmed that the offer to trade is still valid and has agreed to trade their portion of Clair No.6, all of Denton No.2, Sterling, Sterling No.1, and Sterling No.2 of M.S.1135, all of which are located in Township 4 North, Range 4 East, Section 17, Black Hills Meridian, Lawrence County, South Dakota, to Butte. Refer to attachments E & F. Territory to Butte is highlighted in orange.

In conclusion, both Butte and BHP support this request. The exchange of territory would provide for an electric system that avoids unnecessary duplication of facilities and helps minimize operational challenges. If you require additional information or have questions concerning this exchange do not hesitate to contact us.

Thank you for your consideration of this request.

Sincerely,


David L. Zwetzig
Manager of Operations & Engineering
Butte Electric Cooperative, Inc.


Ted Massey
Director of Electric Operations
Black Hills Power

Enclosure:

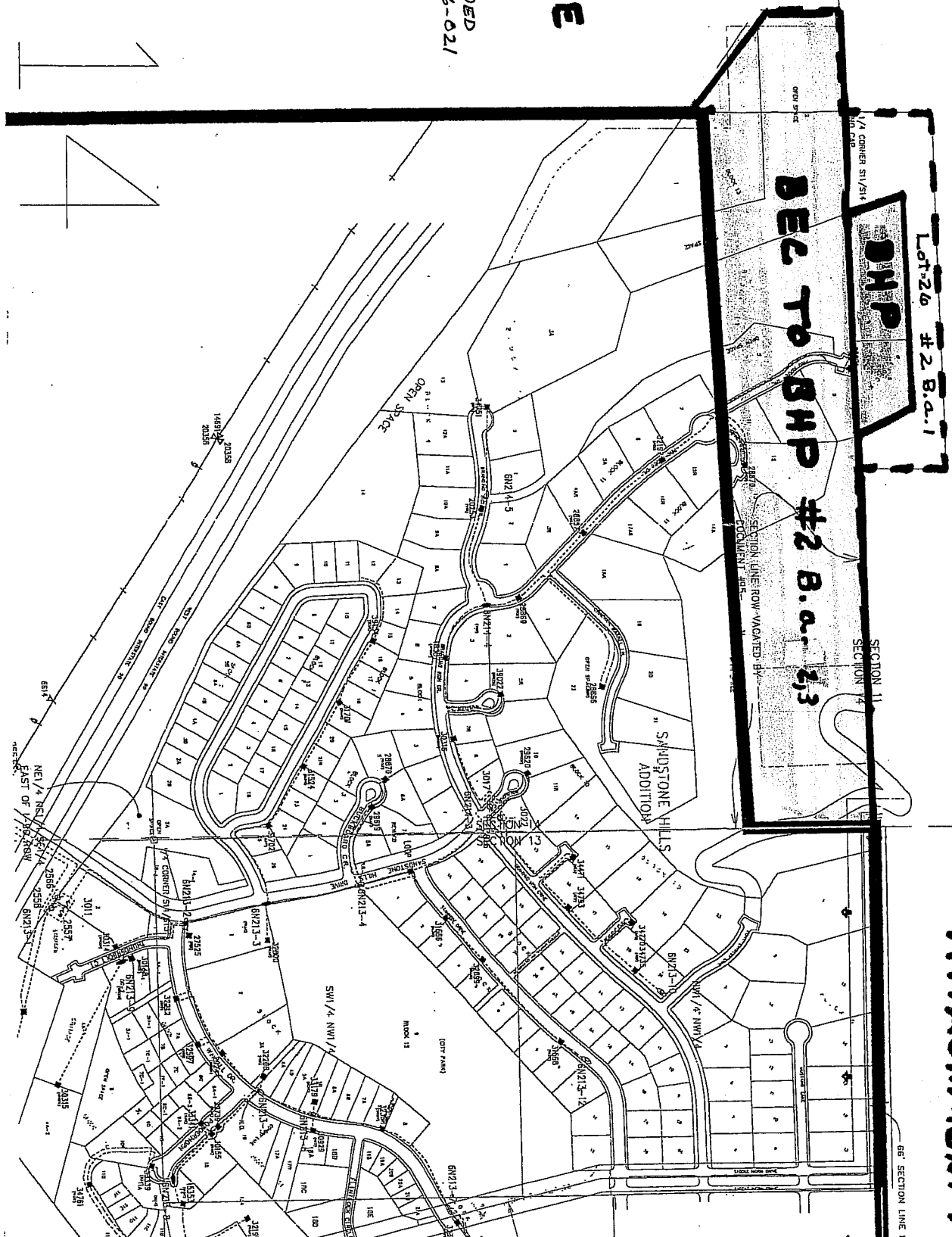
Lot 26 to BHP #2 B.o. 1



DEC TO BHP #2 B.o. 4,3

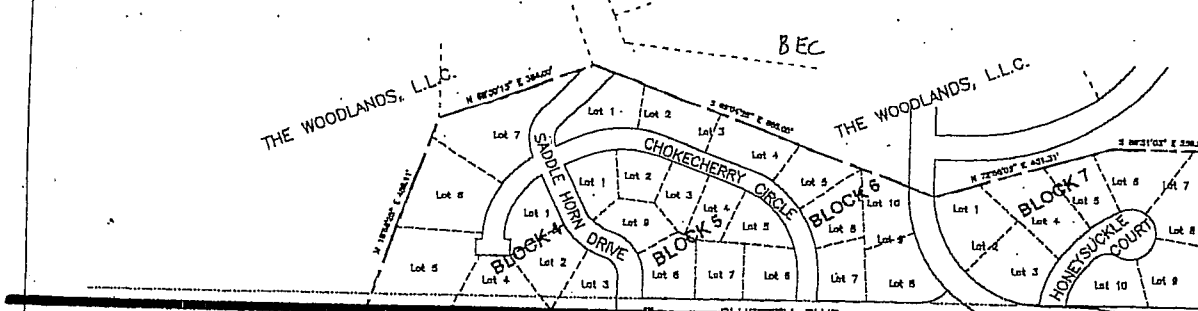
T6N, R2E

ALL READY TRADED
IN DOCKET # EL 96-021
LOT 26 TO BHP

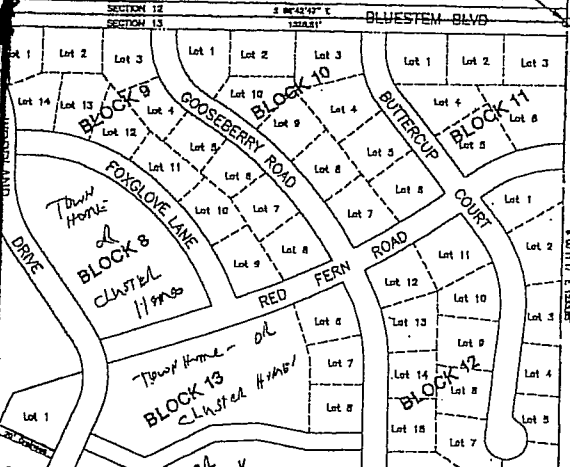
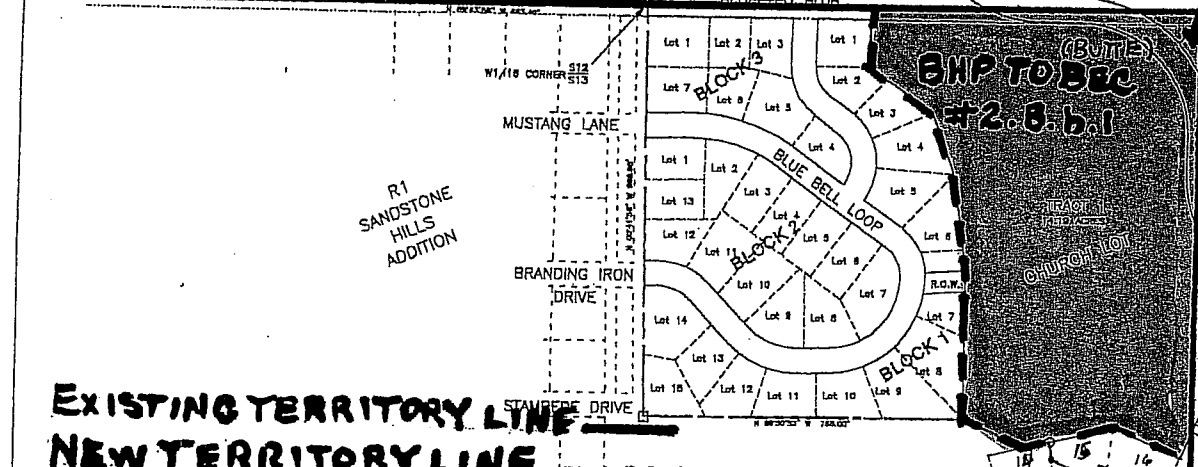


THE COUNTRYSIDE SUBDIVISION
 PLANNED UNIT DEVELOPMENT

LOT 1A AND LOT 1B OF LOT 1 IN THE E1/2 NW1/4 & W1/2 NE1/4 OF SECTION 12
 AND TRACT B IN THE S1/2 SW1/4 OF SECTION 13 T6N, R2E, BHM
 ALL LOCATED IN THE SPRING CREEK ADDITION
 CITY OF SPEARFISH, LAWRENCE COUNTY, SOUTH DAKOTA



#2.B.b.3
 BHP TO BEC (BUTTE)
 BLOCK 9, LOT 1
 THE WOODLANDS (AG)



EXISTING TERRITORY LINE
 NEW TERRITORY LINE

- To BUTTE
- To BHP
- FROZEN CONSUMER IN BUTTE TERRITORY TO BE SERVED BY BUTTE

(BUTTE)
 BEC TO BHP
 #2.B.b.5
 BLOCK 15
 LOT 17

(BUTTE)
 BEC TO BEC
 #2.B.b.4,5
 BLOCK 14 Lots 1, 2
 BLOCK 15 Lots 3, 4, 5, 6, 7, 8, 9

DEVELOPER/OWNER
 BONE BRANCH INC.
 234 W. KANSAS ST.
 SPEARFISH, SD 57783

DESIGNER
 ELLIS CONSULTANTS, INC.
 1160 N. MAIN, SUITE 11
 SPEARFISH, SD 57783
 (605) 642-8301

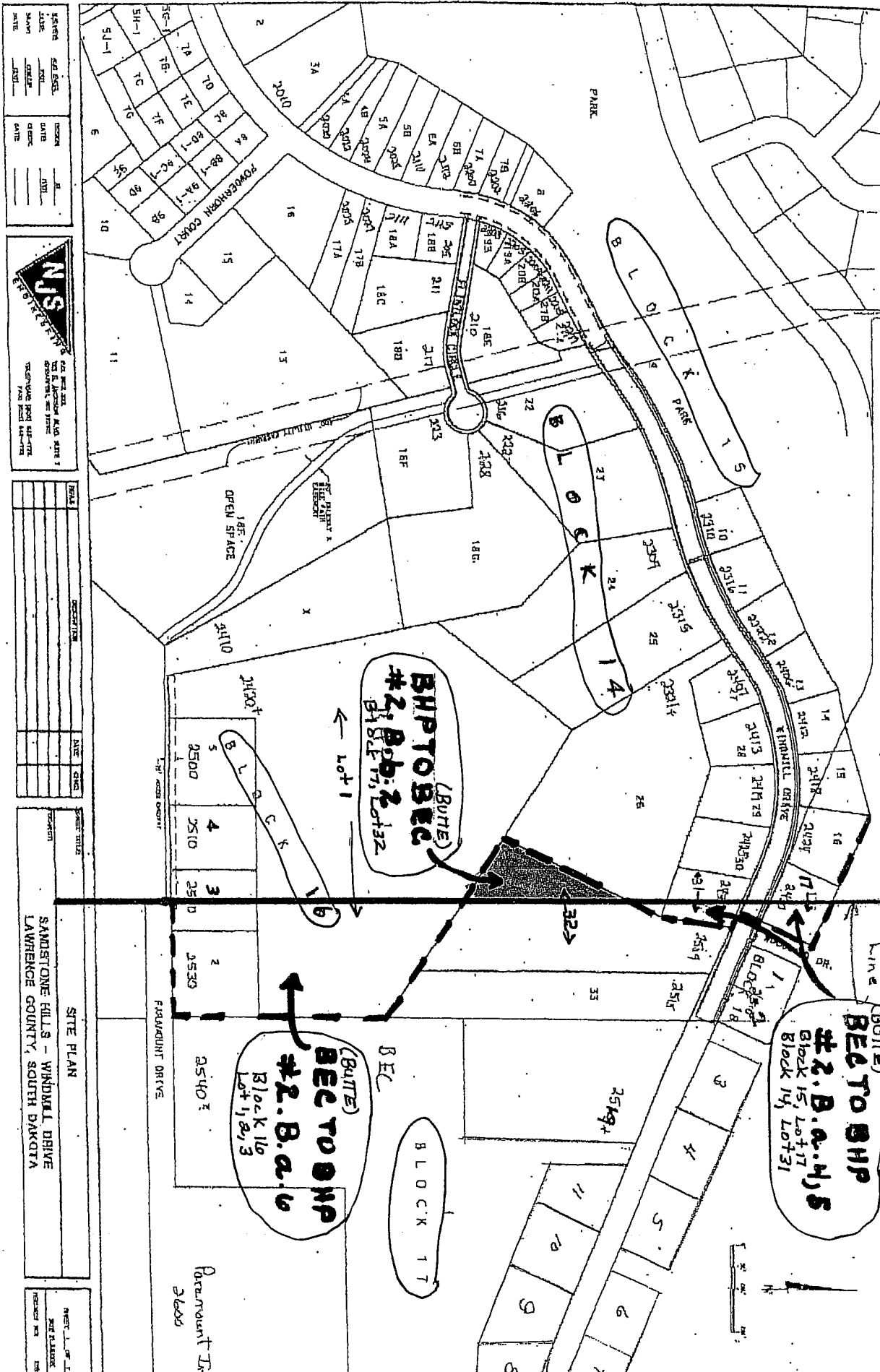
SURVEY BY
 LOOKOUT LAND SURVEYING
 15 LAURIE LN.
 SPEARFISH, SD 57785
 (605) 642-7107



SEE ATTACHMENT C

ATTACHMENT B

1160 North Main, Suite 11
 Spearfish, SD 57785
 (605) 642-8301



TO BUTE
TO BHP

ATTACHMENT C

PROPERTY	OWNER	DATE	REMARKS

NS

NOTICE TO THE PUBLIC

FOR THE PROPOSED

CONSTRUCTION OF

THE PROJECT

DATE: 02/28/02

PROJECT NO: 16054562496

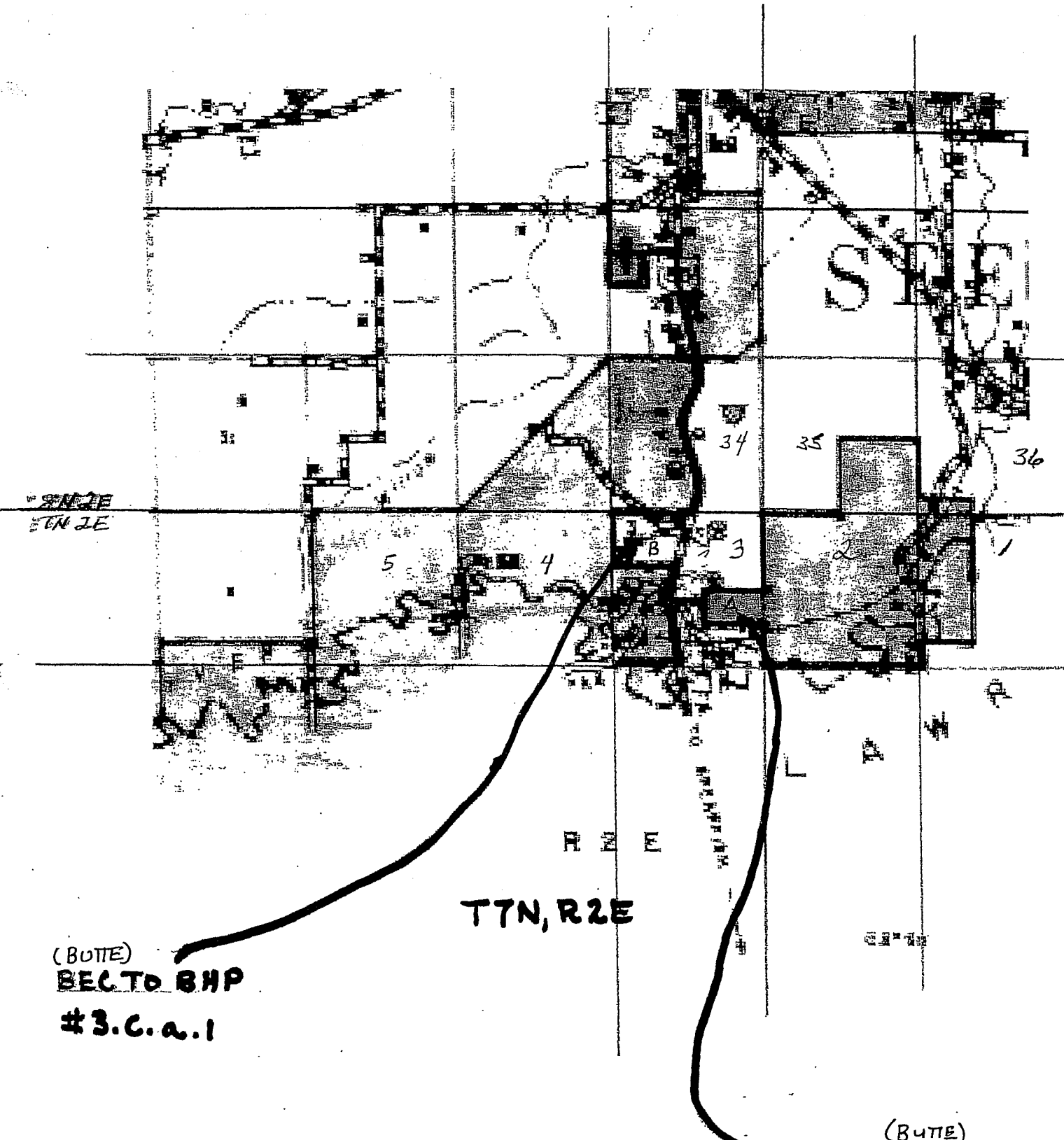
DATE	CHANGED	REASON

SITE PLAN

SANDSTONE HILLS - WINDMILL DRIVE

LAWRENCE COUNTY, SOUTH DAKOTA

DATE	



SECTION 5
SECTION 4

5

4

B

3

2

1

34

35

36

T7N, R2E

(BUTTE)
BEC TO BHP
#3.C.a.1

(BUTTE)
BHP TO BEC
#3.C.b.1

ATTACHMENT D

BLACK HILLS POWER AND LIGHT COMPANY

426 CLIFF ST
DEADWOOD, SOUTH DAKOTA 57732

TELEPHONE
(605) 578-3440

ATTACHMENT E
4. D. a. 1

July 20, 1998

Butte Electric Cooperative, Inc.
David L. Zwetzig, Manager of Operations and Engineering
PO Box 137
Newell SD 57760-0137

Re: Kevin McKee

Dear Dave:

This morning I talked to Kevin McKee regarding service to his property located in Section 17, Township 4 North, Range 4 East which lies in Black Hills Power & Light territory. Mr McKee indicated to me that he wanted service from Butte Electric.

We have decided to let you serve this property on a permanent basis, you will need to get the legal description from Mr McKee and file the necessary papers with the PUC.

Sincerely,



Jim Jeffery
Northern Hills District Manager

Post-It® Fax Note	7671	Date	7-20-98	# of pages	2
To	Leni Healy	From	Jim Jeffery		
Co./Dept.	SD PUC	Co.			
Phone #		Phone #	605-578-3440		
Fax #	605-773-3809	Fax #	605-578-2729		

cc: Ms. Leni Healy
Mr. John Nooney
Mr. Kyle White

ATTACHMENT F

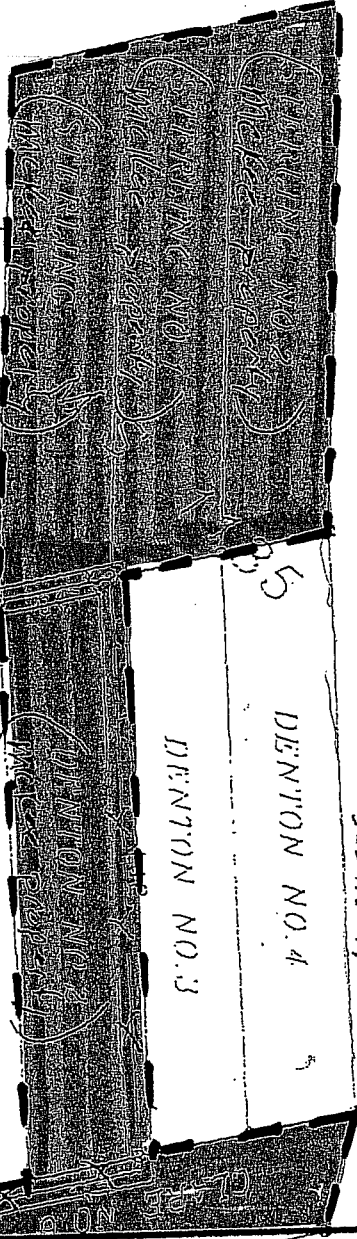
EXISTING TERRITORY LINE

NEW TERRITORY LINE

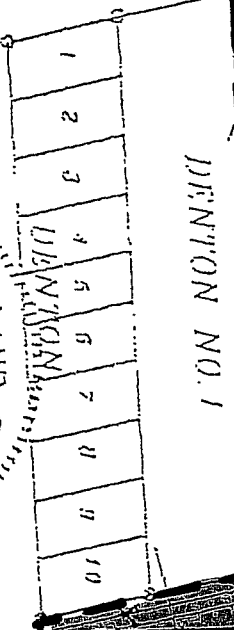
Section 16 & 17 (Township 106N, Range 105W)

#4.D.a.1 To BUTTE

EXHIBIT "A"
 SHOWING A 66' PRIVATE ACCESS AND EJECTMENT ACROSS
 CLARE NO. 6, CLARE NO. 6, DENTON NO. 2,
 CLARE NO. 3, STEELING, & STEELING NO. 1
 LOCATED IN SECTION 16 & 17, T4N R4E,
 LAWRENCE COUNTY, SOUTH DAKOTA
 Section 17



LINE	DEAR	BE	DISTANCE
L1	S 29° 09' 28"	E	160.43'
L2	S 09° 31' 30"	E	230.01'
L3	S 27° 06' 59"	E	377.94'
L4	S 74° 14' 00"	W	327.41'
L5	S 10° 40' 20"	E	53.63'
L6	S 10° 40' 20"	E	43.04'
L7	N 10° 40' 20"	W	272.04'
L8	N 72° 39' 40"	W	313.04'
L9	N 72° 42' 32"	W	273.48'
L10	N 10° 29' 08"	W	300.33'
L11	N 10° 28' 31"	W	292.70'
L12	N 89° 10' 54"	E	1537.36'
L13	N 10° 17' 21"	V	302.10'



FOUND STONE QUINCY REG. NO. 3977
 FOUND REBAR JOHN M. 3977

DO NOT REMOVE OR DESTROY THIS SURVEY MONUMENT OR MARKS THEREON WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.
 SUPERVISOR JOHN M. 3977
 JOHN M. 3977

DO HEREBY SIGNIFY THAT THE ABOVE DESCRIBED EASEMENT WAS SURVEYED UNDER MY SUPERVISION AND THAT ALL DIMENSIONS WERE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
 DATE: AUG 1, 1995

PREPARED BY: ARLETTI & ASSOC.
 702 MAIN STREET
 RANDOLPH, SD 57732
 605-518-1087

PROJECT: ACCESS EASEMENT
 LOT NO. 2896

DATE: JULY 28, 1998
 SCALE: 1/4" = 100'
 DRAWN BY: J. ARLETTI
 APPROVED: J. ARLETTI
 DATE: AUG 1, 1995

1" = 500'

Approximately 1/4 mile from Arroyo, to make East property line

ATTACHMENT G

BEC

BHP

NW 1/4
NW 1/4
SEC 14

NE 1/4
NW 1/4
SEC 14

BEC

BHP

Lift
Station
TO BHP
#1
A. & 1/2 of Center
SEWER

BHP

SE 1/4
NW 1/4
SEC 14

Section 14

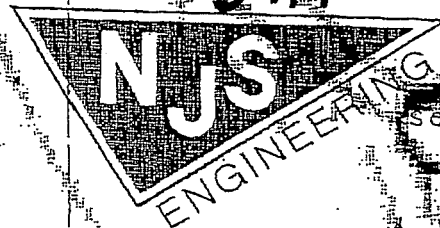
Township 6 North
Range 3 East

SW 1/4
NW 1/4
SEC 14

BHP

To BHP

BHP



SCALE 1" = 300'

PREPARED BY:
NJS ENGINEERING
Box 226
Parsippany, NJ 07054
Tel: 973-642-4772
PROJECT # 713