

GEORGE S. MICKELSON
1941-1993

ALAN F. GLOVER
RICHARD J. HELSPER
JEROMY J. PANKRATZ

GLOVER & HELSPER, P.C.
ATTORNEYS AND COUNSELORS AT LAW

415 EIGHTH STREET SOUTH
BROOKINGS, SOUTH DAKOTA 57006
TELEPHONE: (605) 692-7775
FAX: (605) 692-4611

E-MAIL ADDRESSES:
afg1@brookings.net
rjh1@brookings.net
jjp1@brookings.net

RECEIVED

FEB 04 2008

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

February 1, 2008

Ms. Kara Semmler, Staff Attorney
S.D. Public Utilities Commission
500 East Capitol
Pierre, SD 57501

RE: BROOKINGS MUNICIPAL UTILITIES

Dear Kara:

I am sorry it has taken so long to respond to your letter of November 19, 2007. However, Brookings Municipal Utilities during the past couple of months has been preparing all of the information that is being requested by the Public Utilities Commission.

I have two questions. First of all, is it necessary that a docket be created concerning this matter? In the past both in telecommunications and in electrical as far as annexations are concerned, there never has been a docket created. It would seem to me that we simply file the maps and then they are approved.

Secondly, we intend to comply with the Commission's requests for information but I am wondering under what statute a municipality and a rural electric provider must provide the information you are requesting to the Public Utilities Commission. For your review, I am enclosing a copy of a letter that the previous Utilities Manager sent to the Public Utilities Commission on December 7, 1994. Also enclosed is the response from Rolayne Ailts Wiest, the Commission Counsel.

The only statute that I am aware of that requires Public Utility Commission approval is SDCL 49-34A-55 but that section only has to do when a rural electric provider and a municipality or any other service providers make a mutual agreement to revise service territories. I cannot find a statute that says when a municipality has annexed territory and when the municipality and the rural service provider have arrived at an agreement that information needs to be approved by the Public Utilities

Ms. Kara Semmler
February 1, 2008
Page 2

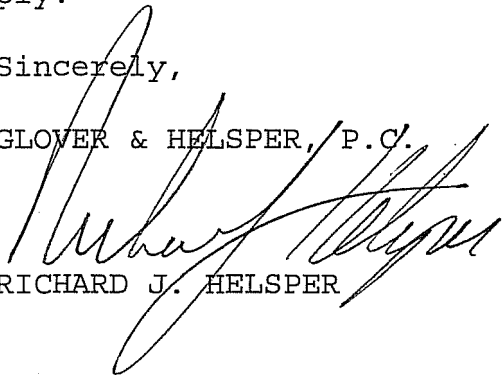
Commission. Any guidance you could give me would be greatly appreciated.

Finally, you wrote an email to Paul Melby on Thursday, January 3. At that time, you indicated that you could not locate a map that was sent to the Commission in 1999. I am enclosing a copy of the letter of transmittal from Andy Jensen as well a copy of the map that was actually sent.

I look forward to your reply.

Sincerely,

GLOVER & HELSPER, P.C.

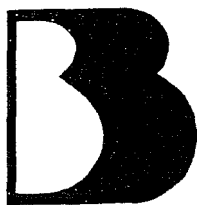


RICHARD J. HELSPER

RJH:srl

Enclosures

cc: Mr. Steve Meyer
Mr. Paul Melby



BROOKINGS municipal utilities

525 Western Ave. • P.O. Box 588
Brookings, S.D. 57006
(605) 692-6325


December 7, 1994

Public Utilities Commission
Capitol Building
Pierre, SD 57501

Gentlemen:

This letter is in response to a telephone conversation I had a couple of weeks ago regarding the filing of territorial boundary agreements for the City of Brookings. They indicated that no formal action needed to be taken. In reviewing our past records, we show that an Order Approving Agreements (see attached) has been passed by the SDPUC. Please check to see if this process needs to be completed. On July 21, 1994, we filed agreements for territorial boundary buyouts for the City of Brookings. Please find enclosed a copy of the map of the City of Brookings showing the annexation developments. If you have questions regarding the above, please give me a call.

Sincerely,


Andy Jensen
Utilities Manager

AJ:bmp

Enclosure

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

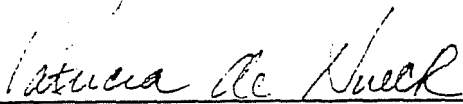
IN THE MATTER OF THE PROPOSAL)
OF THE CITY OF BROOKINGS, SOUTH) ORDER APPROVING AGREEMENTS
DAKOTA, TO ANNEX AND PURCHASE A)
CERTAIN PORTION OF THE ASSIGNED) (8262)
SERVICE TERRITORY OF SIOUX)
VALLEY EMPIRE ELECTRIC)
ASSOCIATION, INC.)

On the 1st day of October, 1981, Sioux Valley Empire Electric Association, Inc. and the City of Brookings, South Dakota submitted for Commission approval a proposed agreement by and between said entities. The Commission has carefully reviewed the proposed agreements and finds that it is in the public interest to approve same at this time subject to such revisions and modifications as the facts and circumstances may hereinafter warrant. The Commission further finds that said proposed agreements relating to annexation of service territory and purchase of facilities and service rights in the annexed area complies with the terms and conditions contained in SDCL 49-34A. It is therefore

ORDERED, that the proposed agreements by and between Sioux Valley Empire Electric Association, Inc. and the City of Brookings, South Dakota be, and the same hereby are, approved, subject to such further amendment or modification as the facts and circumstances may hereinafter warrant.

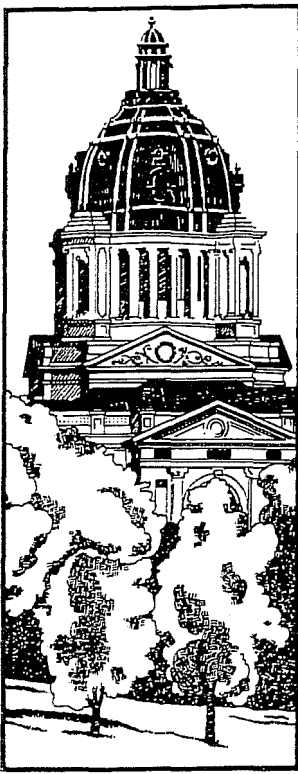
Dated at Pierre, South Dakota, this 22 day of October, 1981.

BY ORDER OF THE COMMISSION,
Chairman Fischer, Commissioners
Stofferahn and Solem:



PATRICIA de HUECK
Executive Secretary

(OFFICIAL SEAL)



South Dakota

Public Utilities Commission

State Capitol, Pierre, South Dakota 57501-5070

December 12, 1994

Andy Jensen
525 Western Ave.
P.O. Box 588
Brookings, SD 57006

Dear Mr. Jensen:

In your letter dated December 7, 1994, you asked whether the Commission needed to formally approve your territorial boundary agreements you filed in July. As I stated in our telephone conversation, when a municipality purchases electric facilities in an area annexed by the municipality pursuant to SDCL 49-34A-50 no formal approval is required by the Commission. The Commission would become involved only if the electric utility and municipality were unable to agree on the price. See SDCL 49-34A-51. Only sales made pursuant to SDCL 49-34A-55 must be approved by the Commission.

We have reviewed your July filing and found that you have complied with the applicable statutes. The Commission has noted the changes on our boundary maps. If you have any further questions, please do not hesitate to contact us.

Sincerely,

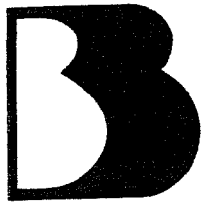
ROLAYNE AILTS WIEST
Commission Counsel

Laska Schoenfelder
Chairman
Ken Stofferahn
Vice-Chairman
Jim Burg
Commissioner

Marshall Damgaard
Executive Director

Edward R. Anderson
Harlan Best
Martin C. Bettmann
Charlie Bolle
Sue Cichos
Karen Cremer
Marlette Fischbach
Lisa Forest
Shirleen Fugitt
Richard Gallup
Paulette Gates
Lewis Hammond
Leni Hook
Camron Hoseck
Tammi Iedema
Dave Jacobson
Bob Knadle
Jim A. Konechne
Terri J. Lesmeister
Gregory A. Rislov
Lori Waldner
Steven M. Wegman
Rolayne Ailts Wiest





BROOKINGS municipal utilities

525 Western Ave. • P.O. Box 588
Brookings, S.D. 57006
(605) 692-6325

November 15, 1999

South Dakota Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, SD 57501-5070

Re: Service Areas

Dear Sir:

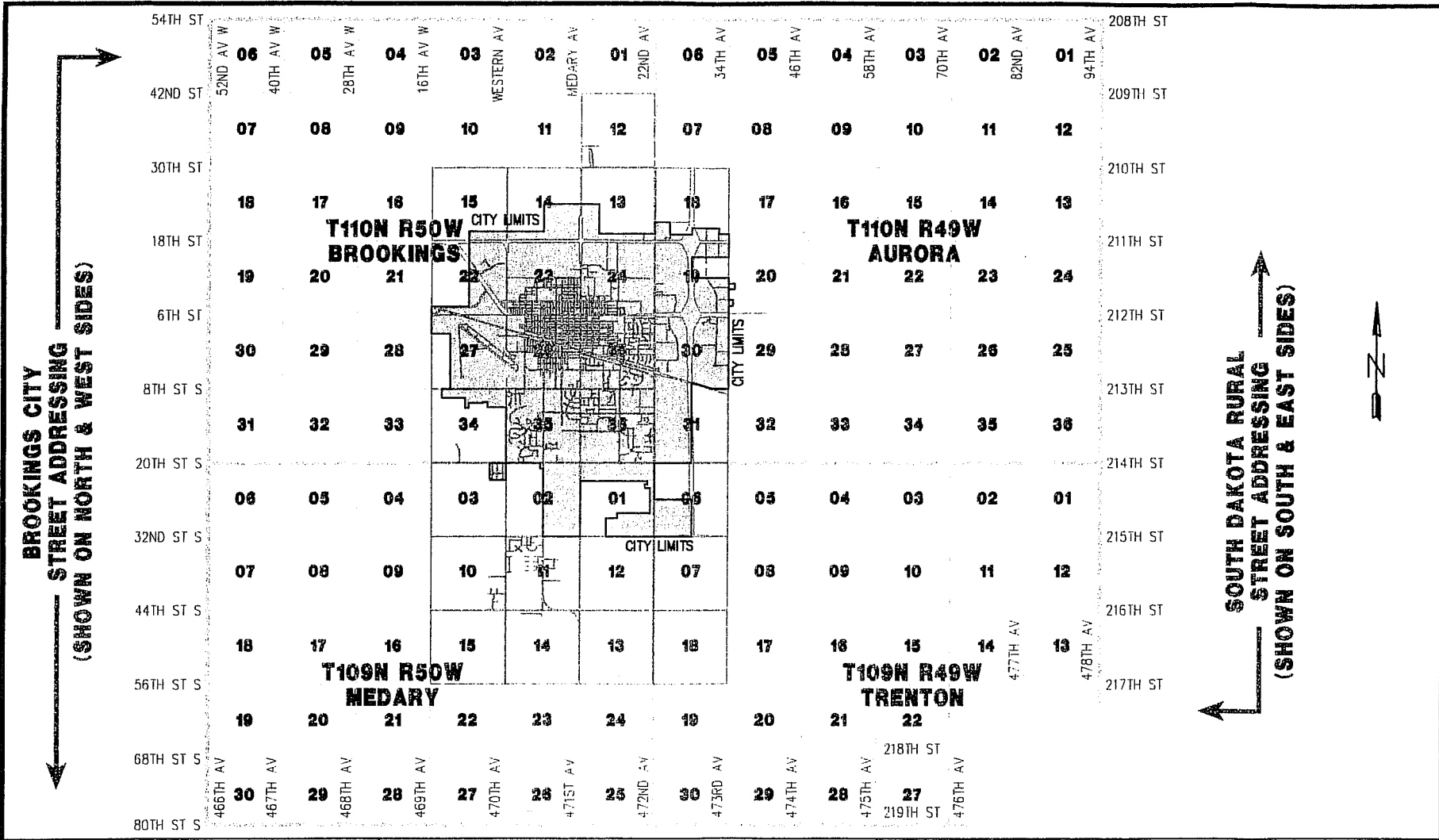
Please find enclosed two maps from the city of Brookings, one for the electric service area and one for the water service area. I am not sure when Brookings Municipal Utilities last filed a service territory map with the PUC and just to make sure we are up to date. We would like these maps to be placed in the record. If there is more information needed please let us know.

Sincerely,


Andy Jensen
Utilities Manager

AJ:bmp

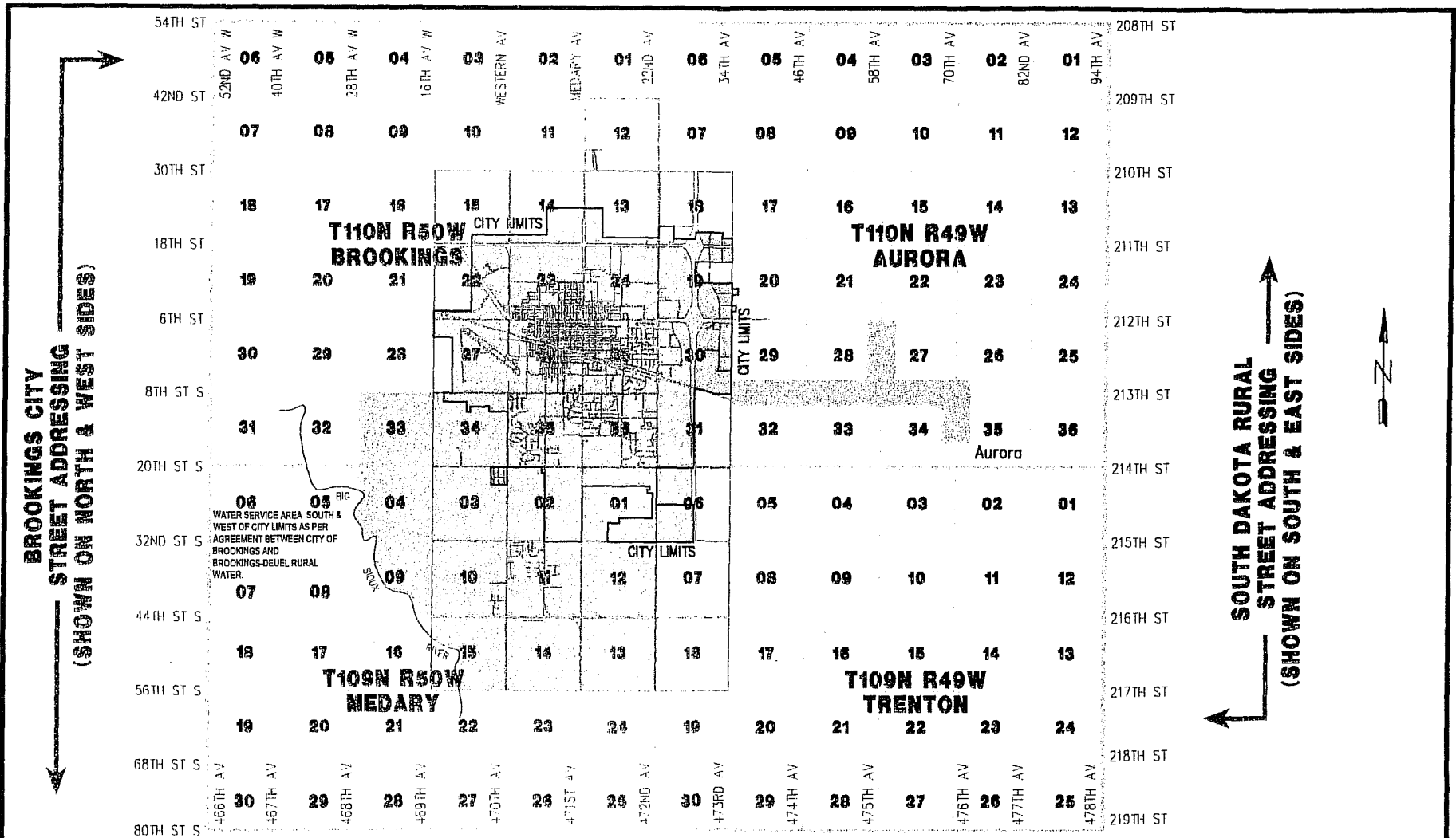
Enclosures



**BROOKINGS CITY
STREET ADDRESSING
(SHOWN ON NORTH & WEST SIDES)**

**SOUTH DAKOTA RURAL
STREET ADDRESSING
(SHOWN ON SOUTH & EAST SIDES)**

DRAWN BY: RLS	SUPERVISOR APPROVED: TH	ELECTRIC SERVICE AREA SUPPLIED BY BROOKINGS MUNICIPAL UTILITIES, BROOKINGS S.D.	DATE REVISED: N/A	SCALE: 1" = 7,000'	DRAWING NUMBER: PUC-1999-ELEC
CHECKED BY: RRW			DATE DRAWN: 11/10/99	SHEET 1 OF 1	
ENGR SUPV: JCN	UTILITY MANAGER APP'D: ALJ				



DRAWN BY: RLS	SUPERVISOR APPROVED: DF	WATER SERVICE AREA SUPPLIED BY BROOKINGS MUNICIPAL UTILITIES, BROOKINGS S.D.	DATE REVISED: N/A	SCALE: 1" = 7,000'	DRAWING NUMBER: PUC-1999-WATER
CHECKED BY: RRW	UTILITY MANAGER APP'D: ALJ		DATE DRAWN: 11/10/99	SHEET 1 OF 1	
ENGR SUPV: JCN					