



Dustin Johnson, Chair  
Gary Hanson, Vice Chair  
Steve Kolbeck, Commissioner

## SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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November 19, 2007

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Richard Helsper  
Glover & Helsper  
415 8<sup>th</sup> Street S  
Brookings, SD 570061

Re: EL07-010 Brookings Annexation

Dear Gentlemen:

As you know, the above referenced docket remains open in the PUC. Martin Bettmann was handling the docket and previously requested some information. Mr. Bettmann has since retired. Nathan Solem is the PUC engineer now handling this docket. After some study of the submitted material and Mr. Bettmann's previous requests, we believe additional information is necessary. We, therefore, ask you to submit answers to the attached data request by December 17, 2007.

Staff believes the current annexation request is incomplete. It appears several areas were previously annexed by Brookings and not submitted to the Commission for approval. Commission Staff is concerned about the unapproved additions to the Brookings service territory and requests your help in correcting the inaccuracies. Staff prefers to keep all additions and corrects within the same docket in an effort to uncomplicate the issue. Brookings must, therefore, submit a request asking Commission approval of all territory changes not previously submitted to the PUC before Staff makes a recommendation regarding this docket.

Specifically, SDCL 49-34A-42 provides that “the commission shall have the jurisdiction to enforce the assigned service areas established by §§ 49-34A-42 to 49-34A-44, inclusive, and 49-34A-48 to 49-34A-59, inclusive.” SDCL 49-34A-49 goes on to further define Commission action regarding municipal annexation. “Whenever a municipality which owns and operates an electric utility extends its corporate boundaries through annexation or consolidation, such municipality shall either offer to purchase any electric utility properties and service rights within the annexed areas owned by any electric utility, or permit such utility to serve and expand in the annexed area, as provided in this chapter. The municipality shall notify the affected electric utility in writing of the boundaries of the annexed area and shall indicate such area on appropriate maps.” From Sioux Valley Energy’s submittal it is clear Brookings followed the notification procedure in the current annexation. We have no information, however, to show it followed the appropriate procedure in prior annexations not approved by the Commission.

In conclusion, we believe the service territory records regarding Brooking and Sioux Valley Energy will be most clear if we make all necessary updates and changes within EL07-010. Please submit the following documents:

- i) Answers to attached data request
- ii) An amended filing within the above docket to request commission approval of all previously annexed portions along with the current annexation.

Thank you for your cooperation in this matter....please call either Nathan Solem or me with any questions.

Sincerely,



Kara Semmler  
Staff Attorney

cc. Patricia Van Gerpen

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

**In the Matter of the Filing by Sioux Valley-Southwestern Electric  
Cooperative, dba Sioux Valley Energy for Approval of Revised Service  
Territories as a Result of Annexation by Brookings Municipal Utilities**

**DOCKET EL07-010**

**STAFF'S SECOND DATA REQUEST**

**NOVEMBER 19, 2007**

- 2-1. Please provide the following information for each parcel that has been annexed since the attached official Public Utilities Commission service territory map for Brookings Municipal Utilities was last updated:
  - a. Annexation date
  - b. Resolution supporting annexation
  - c. Legal descriptions of each annexed parcel
  - d. If applicable, copies of purchase agreements with Sioux Valley Energy for each annexation
  
- 2-2. Please provide the following information for any other territory that has been exchanged between the parties since the official Public Utilities Commission service map for Brookings Municipal Utilities was last updated:
  - a. Exchange date
  - b. Agreement supporting exchange
  - c. Legal description of each exchanged parcel
  - d. If applicable, resolutions supporting each territory exchange
  
- 2-3. Please provide one hard copy map with each annexed or otherwise acquired parcel not on the attached official SDPUC territory map clearly labeled and referenced to the annexation resolution or other identification.

