

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

IN THE MATTER OF THE FILING BY THE CITY)	ORDER APPROVING
OF ELK POINT FOR APPROVAL OF ITS)	REVISED SERVICE
REVISED SERVICE TERRITORY AS A RESULT)	TERRITORY AS A RESULT
OF ANNEXATION)	OF ANNEXATION
)	EL07-034

On November 13, 2007, the City of Elk Point (City) filed a request for approval to modify territory boundaries between City and Union County Electric Cooperative, Inc. (Union County) as a result of annexation of Union County territory by City. Descriptions of the annexed areas are:

Parcel I

Lot G of Nelson Tract 1 in the Northwest Quarter of the Southwest Quarter of Section 29, Township 91 North, Range 49, West of the 5th P.M., Union County, South Dakota, according to the recorded plat thereof; subject to rights of way, easements and restriction, if any, appearing of record; and

Parcel II

All that portion of a 60.00 foot wide access road lying North of and adjacent to Lot G of Nelson Tract I in the Northwest Quarter of the Southwest Quarter of Section 29, Township 91 North, Range 49, West of the 5th P.M., Union County, South Dakota, being part of the access road as filed in Plat Book 9, Page 71, more particularly described as follows:

Commencing at the West 1/4 corner of said section 29; THENCE South $00^{\circ}07'13''$ West, along the West line of the Southwest 1/4 of said Section 29, a distance of 467.66 feet to the Point of Beginning; THENCE South $89^{\circ}48'42''$ East, a distance Of 239.06 feet; THENCE South $51^{\circ}24'57''$ East, a distance of 308.57; THENCE South $86^{\circ}21'34''$ East a distance of 61.68 feet to the point of terminus.

On December 18, 2007, at its regularly scheduled meeting, the Commission considered the request for approval of the boundary change due to annexation. Commission Staff recommended approval.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-34A, specifically, 49-34A-42, 49-34A-48, 49-34A-49, 49-34A-50 and 49-34A-55. Further, the Commission finds that the change in the service territory boundary due to annexation 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 City and Union County. The Commission therefore concludes that the change in the service territory due to annexation is in the public interest and it shall be granted. As the Commission's final decision in this matter, it is therefore

ORDERED, that the request seeking approval of an electric service territory boundary change between City and Union County due to annexation is hereby granted.

Dated at Pierre, South Dakota, this 28th day of December, 2007.

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: <u>Meldine Kolbe</u>
Date: <u>12/28/07</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner

Steve Kolbeck
STEVE KOLBECK, Commissioner