

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

**IN THE MATTER OF THE JOINT REQUEST)
FOR AN ELECTRIC SERVICE TERRITORY)
BOUNDARY CHANGE BETWEEN XCEL)
ENERGY AND SOUTHEASTERN ELECTRIC)
COOPERATIVE, INC)
)
)
)**

**ORDER GRANTING
APPROVAL OF ELECTRIC
SERVICE TERRITORY
BOUNDARY CHANGES**

EL09-021

On October 23, 2008, the Public Utilities Commission (Commission) received a Joint Request for a Service Territory Boundary Change (Joint Request) from Xcel Energy (Xcel) and Southeastern Electric Cooperative (Southeastern). The Joint Request seeks approval to modify territory boundaries in the Oxford Addition in the Northeast Quarter of Section 12 in Township 100 North, Range 50 West of Lincoln County. The parties state that the proposed territory exchange will provide each electric provider with a more compact and contiguous service territory more amenable to construction and maintenance of electrical power facilities for each provider. The filing includes a letter from the owner and developer of the immediately affected property in support of the proposed service territory boundary modification.

Southeastern and Xcel have agreed to changes to a portion of their original territory agreement boundary segment descriptions to replace boundary segment description numbers 104 and 105 of Exhibit B to the parties' territory agreement. These revised boundary segment descriptions are located in Section 12 of Township 100 North, Range 50 West and Section 7 of Township 100 North, Range 49 West in Lincoln County and are graphically depicted in relevant part on the plat map attached as Exhibit A to the Joint Request. The agreed revisions to boundary segment descriptions 104 and 105 of Exhibit B are:

1. Then north to the southwest corner of Lot 43 in the Oxford Addition.
2. Then east along the south lot line of Lot 43 to the southeast corner of Lot 19.
3. Then north along the east lot line of Lot 19 to the northeast corner, Lot 17 and approximately the center of Lot 6.
4. Then east along the south lot line of Lot 6 to the center of south Southeastern Avenue or 476th Avenue.
5. Then south along South Southeastern Avenue or 476th Avenue to the existing boundary line which is 1/2 mile north of 69th Avenue or 269th Street.
6. Then east 1/2 mile to the Northeast corner of the Southwest Quarter of Section 7 of Township 100 North, Range 49 West.

On November 17, 2009, Xcel provided additional information in response to Staff data requests further clarifying the new boundary.

At its regularly scheduled meeting on November 24, 2009, the Commission considered the request for approval of the boundary changes. Commission Staff recommended approval.

The Commission finds that it has jurisdiction over the matter pursuant to SDCL 49-34A, specifically, 49-34A-4, 49-34A-42, and 49-34A-55. Further, the Commission finds that the boundary changes will avoid unnecessary duplication of facilities and help minimize operational challenges. The Commission concludes that the changes in the service territory boundaries are in the public interest and shall be granted. As the Commission's final decision in this matter, it is therefore

ORDERED, that the request seeking approval of electric service territory boundary changes between Xcel Energy and Southeastern Electric Cooperative is hereby granted.

Dated at Pierre, South Dakota, this 3rd day of December, 2009.

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, electronically.
By: <u>Demaris Athelton</u>
Date: <u>12-3-09</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M Johnson
DUSTIN M. JOHNSON, Chairman *DA*

Steve Kolbeck
STEVE KOLBECK, Commissioner

Gary Hanson
GARY HANSON, Commissioner