

Turner-Hutchinson **TEL 96-007**

ELECTRIC COOPERATIVE, INC.

P.O. BOX 388 501 SOUTH BROADWAY AVENUE
PHONE (605) 648-3619 MARION, SOUTH DAKOTA 57043-0388
FAX (605) 648-3778

May 7, 1996

William Bullard, Executive Director
South Dakota Public Utilities Commission
Pierre, SD 57501-5070

RECEIVED
MAY 10 1996
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Dear Mr Bullard

Over the last several months Turner-Hutchinson Electric Cooperative, Inc (THEC) of Marion, SD began work on site selection and the purchase of land for a new warehouse building and pole yard facility in Parkston, SD. The land purchased by THEC is shown on the enclosed maps and is outside the city limits of Parkston. As per the Territorial Agreement negotiated between THEC and Northwestern Public Service (NWPS) on December 8, 1975 this property is located in the NWPS designated service area.

Due to the fact that we have electric service near this property we requested consent from NWPS to allow us to provide electric service to our own facility. Consent was agreed to and signed by both parties on January 11, 1996 as shown on the attached copy of the Consent and Agreement form. We are forwarding a copy of the executed Consent and Agreement form and related correspondence for your information on this matter.

It is our belief that this exchange of service as indicated by the executed Consent and Agreement form meets the factors outlined in SDCL 49-34A-42 and 55. As a result this agreement reached by both utilities, we would like to request formal approval by the South Dakota Public Utilities Commission on this matter allowing us to proceed with providing electric service to our new facility. Given the fact that both parties have agreed to this change in writing we can not foresee any difficulties and look forward to hearing from you in the near future.

If you would have any questions about our request or the materials provided with this letter, please feel free to give me a call.

Sincerely,

Bradley J Schardin
Manager

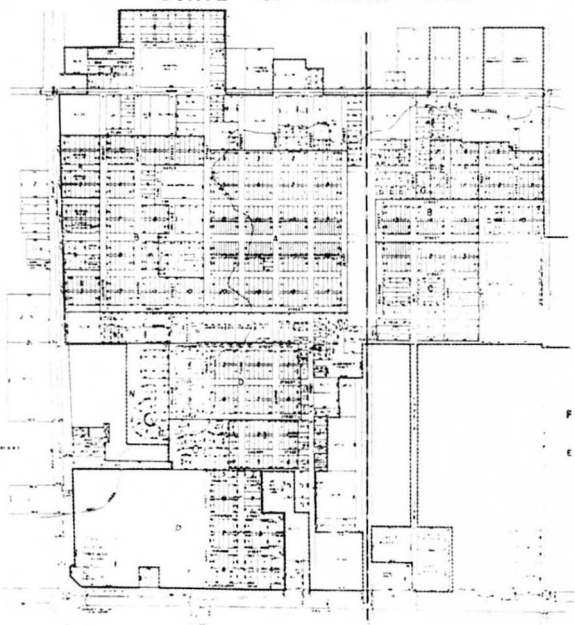
cc Ray Kourthour, NWPS
Ron Holsteen, Doug Eidhal, SDREA

"We Put Value On the Line"

**CITY OF PARKSTON
COUNTY OF HUTCHINSON
STATE OF SOUTH DAKOTA**



Symbol	Description
—	City Boundary
- - -	County Boundary
—	Section Boundary
—	Block Boundary
—	Lot Boundary
—	Water
—	Other



ADJACENT
TRACT



F
E

8-11-1-2

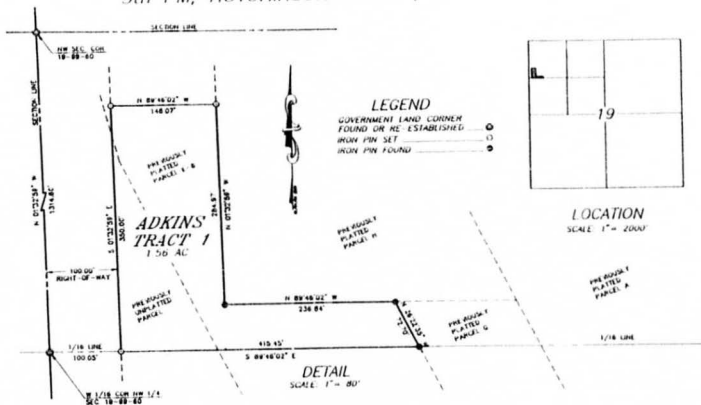
PREPARED BY
FLANNERY ENGINEERING
 118 W. 1st St. Box 719
 FARGO, NORTH DAKOTA
 (805) 828-7474

SURVEY PLAT

OF

ADKINS TRACT 1

IN THE NW 1/4 OF THE NW 1/4 OF SECTION 19, 199N, R60W,
 5th PM, HUTCHINSON COUNTY, SOUTH DAKOTA.



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ELECTRIC COOPERATIVE, INC.

P.O. BOX 388
PHONE (605) 648-3619

501 SOUTH BROADWAY AVENUE
MARION, SOUTH DAKOTA 57043-0388
FAX (605) 648-3778

January 8, 1996

Ray Korthour, Account Manager
Northwestern Public Service Co
514 N Main
PO Box 967
Mitchell, SD 57301

Dear Mr. Korthour:

We have finalized and recorded at the Hutchinson County courthouse all the necessary documents for the purchase of land south of Parkston along South Dakota Highway # 37. A current Survey Plat of Adkins Tract 1 is enclosed indicating the exact description and location of the land purchased by Turner-Hutchinson Electric Cooperative, Inc. (THEC). A fully executed copy of the Warranty Deed is also enclosed for your records.

As we discussed in September of last year once we had these final documents executed and notice was received by NWPS you would take the necessary action to approve the Consent and Agreement forms to allow THEC to serve it's own warehouse and pole yard facilities. We have included two updated and signed originals of the Consent and Agreement forms for your signatures. Once signed please return one of these originals to us at your earliest convenience and keep the other for your records.

We will also be sending a copy of the executed Consent and Agreement form to the South Dakota Public Utilities Commission (SDPUC) for their acceptance. If you have any questions, need any additional information, or have any suggestions on the materials being sent to the SDPUC please feel free to give me a call.

Sincerely yours,

Bradley J. Schardin
General Manager

Enclosures
NWPS doc

"We Put Value On the Line"

0136.17.5

CONSENT AND AGREEMENT

Pursuant to SDCL 49-34A-42, Northwestern Public Service Company (NWPS) hereby consents to Turner-Hutchinson Electric Cooperative, Inc (THEC) providing electric service to it's outpost office and pole yard facility located on the following described parcel of land

Adkins Tract 1 in the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of Section Nineteen (19), Township Ninety-nine (99) North, Range Sixty (60), West of the 5th P.M., Hutchinson County, South Dakota

This consent is made with the understanding and agreement that the above-described land is a part of NWPS's assigned Service Area, that by virtue of this consent THEC does not acquire any assigned service area rights in any portion of such property, and that THEC will claim no rights to provide any electric service in the above-described area or in any other area on the basis of the electric line construction from THEC's existing facilities to such facility

Dated this 11th day of January, 1996

NORTHWESTERN PUBLIC SERVICE COMPANY

By *A. R. Donnell*

TURNER-HUTCHINSON ELECTRIC COOPERATIVE, INC.

By *Bradley J. Scheidt, Manager*

WARRANTY DEED

Brenda L. Hinman of PO Box 141, Lake City, SD 57247 and Stan C. Adkins of PO Box 655, Red Lodge, MT 59068, grantors, for and in consideration of **Five Thousand Dollars (\$5,000.00)**, GRANT, CONVEY AND WARRANT, TO: Turner-Hutchinson Electric Cooperative, Inc., a South Dakota Corporation, of PO Box 388, Maron, SD 57043, grantee, the following described real estate in the County of Hutchinson in the State of South Dakota.

Adkins Tract I in the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of Section Nineteen (19), Township Ninety-nine (99) North, Range Sixty (60), West of the 5th P.M., Hutchinson County, South Dakota.

Grantors further certify and warrant that the above described real estate is not now, nor has it ever been, used as a homestead by them or any member of their immediate family.

TRANSFER FEE \$5.00

Transfer Fee
Paid \$5.00

Brenda L. Hinman
Brenda L. Hinman

Stan C. Adkins
Stan C. Adkins

State of South Dakota,)
) SS.
County of Hutchinson)

OFFICE OF THE REGISTER OF DEEDS
Filed for Record the 22nd day of
December 1995 at 8
o'clock A.M., and recorded in Book
CT of Deeds on Page 622

Judy Rakuet
Register of Deeds

By: Deputy
Fees: 7.00

State of South Dakota,)
) SS.
County of MARSHALL)

On this 22nd day of November, 1995, before me, Frank Gustafson the undersigned officer, personally appeared Brenda L. Hinman, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same for the purposes therein contained.

I, Witness Whereof, I have hereunto set my hand and affixed my official seal.

Frank Gustafson
Notary Public
My Com. expires July 16, 1999



452063 DWU

PREPARED BY:
Ulmer, Herz & Bertsch, P.C.
219 South 5th Street
Menno, South Dakota 57045
605-387-5658



to: **TURNER-HUTCHINSON
ELECTRIC COOPERATIVE, INC.**
P.O. Box 388

SECOND ACKNOWLEDGMENT ON BACK!

State of Montana)
County of Carbon) SS

On this the 13 day of November, 1995, before me, [Signature] the undersigned officer, personally appeared Stan C Adkins, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same for the purposes therein contained

In Witness Whereof, I have hereunto set my hand and affixed my official seal.



Linda E. Mann
Notary Public
My Com. Expires Aug 11, 1999



BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FILING BY TURNER-)
HUTCHINSON ELECTRIC COOPERATIVE, INC.)
REGARDING A SERVICE TERRITORY)
AGREEMENT)

ORDER GRANTING
APPROVAL

EL96-007

On May 8, 1996, the Public Utilities Commission (Commission) received a filing from Turner-Hutchinson Electric Cooperative, Inc. of Manon, South Dakota (Turner-Hutchinson) for approval of an agreement for service rights exception. The purpose of the filing was to seek Commission approval for Turner-Hutchinson to provide service to its outpost office and pole yard facility located in territory currently serviced by Northwestern Public Service Company. Turner-Hutchinson submitted a letter of justification, a map and plat of the affected area, a copy of a "Consent and Agreement," and a copy of a warranty deed showing the transfer of the subject property to Turner-Hutchinson. The property which is the subject of this transfer and request for approval is described as:

Adkins Tract 1 in the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of Section Nineteen (19), Township Ninety-nine (99) North, Range Sixty (60), West of the 5th P.M., Hutchinson County, South Dakota.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-34A, specifically, 49-34A-4, 49-34A-42, and 49-34A-55. Further, the Commission finds that the service rights transfer is in the public interest and the request shall be granted. As the Commission's final decision in this matter, it is therefore

ORDERED that the request seeking approval of service rights transfer is hereby granted.

Dated at Pierre, South Dakota, this 31st day of May, 1996.

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

Date

5/31/96

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kenneth Stofferahn
KENNETH STOFFERAHN, Chairman

James A. Burg
JAMES A. BURG, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner