

EL96-016

Intercounty
Electric Association, Inc.

Rural Electric Cooperative

P.O. BOX 850 • 1420 NORTH MAIN
MITCHELL, SOUTH DAKOTA 57301-0850

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S.D. TOLL FREE 1-800-477-2892

May 20, 1996

Mr. William Bullard
Executive Director
SD Public Utilities Commission
500 E Capitol
Pierre SD 57501

RECEIVED

JUN 1 1996
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

RE: NWPS-Intercounty Service Agreement

Dear Mr. Bullard:

A service has been requested for an irrigation well Southeast of Mitchell. This well is located just within NWPS's assigned service area. NWPS and Intercounty and the customer have all agreed to this arrangement. Because of the location of present facilities, it has been determined by the parties that the irrigation well should be served by Intercounty Electric.

The nearest NWPS facilities are located one mile away from the service and a line would have to be constructed to provide service to this service. Intercounty Electric could install a meter and transformer located within its assigned service area, and the consumer will provide it's own underground service to the location as shown on the maps attached to the enclosed Consent and Agreement.

The enclosed Agreement was prepared and signed by the two electric utilities and the customer.

Pursuant to SDCL 49-34A-42 and 49-34A-55, we request formal approval by the South Dakota Public Utilities Commission on this matter allowing Intercounty to proceed with providing electric service to the customer's irrigation well. Both electric utilities have agreed to this change in writing, and we do not foresee any difficulties.

Sincerely,


Loren Noess

cc: Rich Hoffman-NWPS

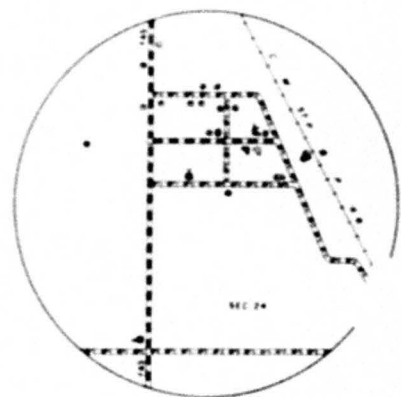
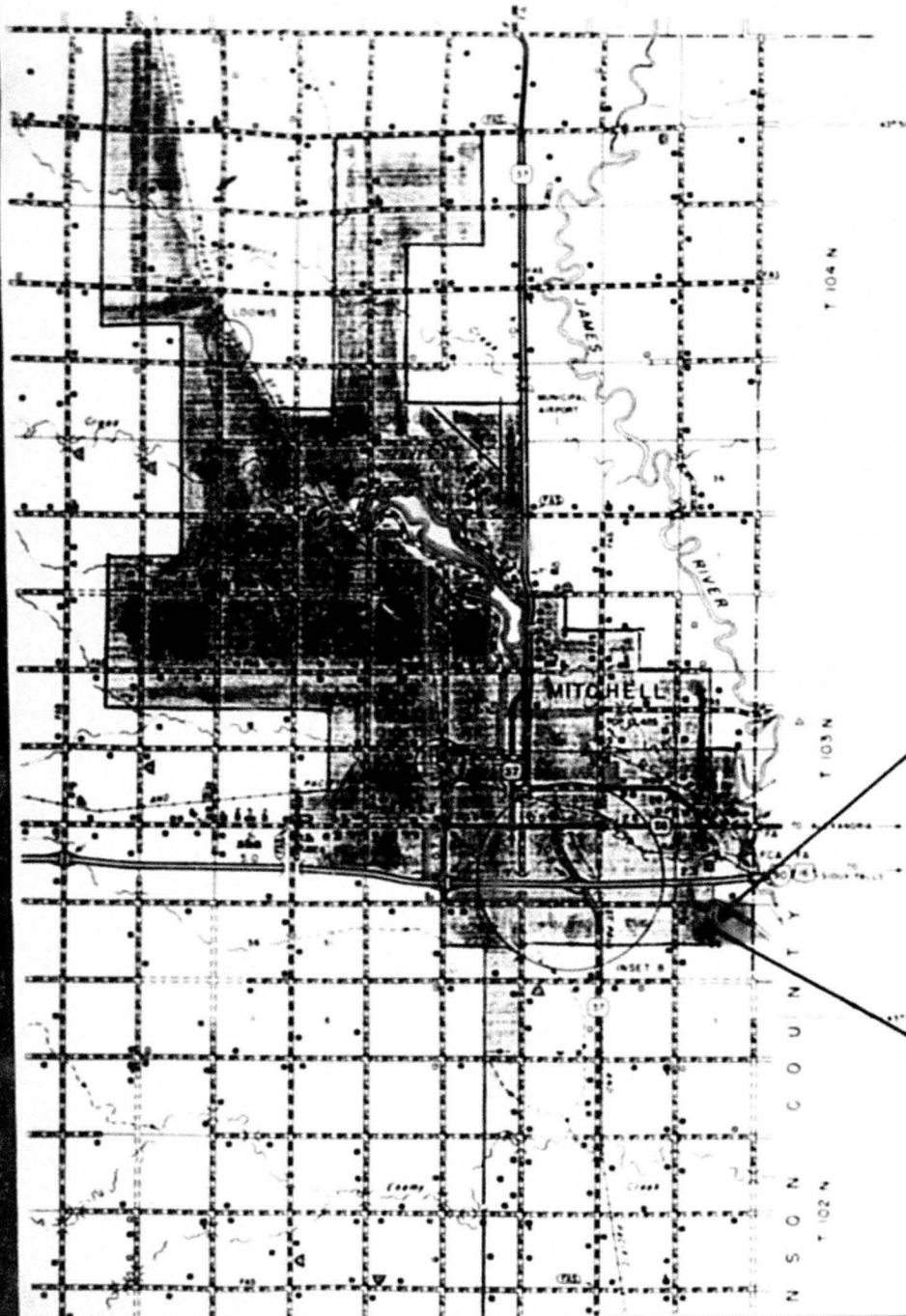


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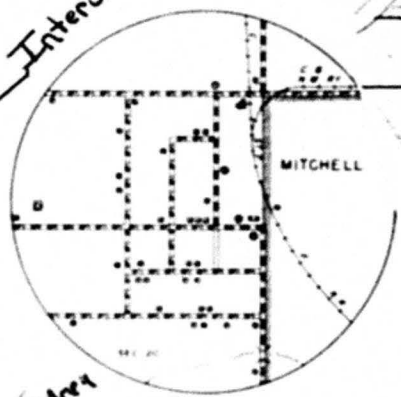
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Intercounty Area



I N S E T A
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B U

CONSENT AND AGREEMENT FOR ELECTRIC SERVICE IN
ASSIGNED SERVICE AREA OF ANOTHER ELECTRIC UTILITY

Intercounty Electric Association, Inc. ("IEA") and Northwestern Public Service Company ("NWPS") are both electric utilities in the Mitchell vicinity in the State of South Dakota and have assigned service areas in such Mitchell vicinity pursuant to SDCL 49-34A. By this Consent and Agreement, NWPS agrees to allow IEA to supply electric service in its assigned service area, pursuant to the provisions of this Consent and Agreement. The execution of this Consent and Agreement is made with the understanding and agreement that the land described herein shall remain a part of the assigned service area of NWPS, and that by virtue of this Consent and Agreement, IEA does not acquire any assigned service area rights in any portion of the property, nor will IEA acquire any rights to provide electric service in the area or in any other area on the basis of the electric line construction allowed pursuant to this Consent and Agreement. Furthermore, this Consent and Agreement shall not be admissible in evidence before any court or commission, nor shall it constitute or establish at any time a precedent between IEA and NWPS.

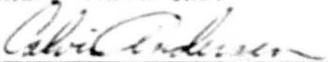
NWPS consents to IEA providing service to an irrigation well owned by Calvin Andersen and located on the following described property:

The Northwest quarter (NW1/4) of Section 36 (S36), Township 103N (T-103-N), Range 60W of the 5th P.M., Davison County, South Dakota. The meter and transformer are located in IEA's assigned service area located on the Northeast quarter of Section 36 (S36), Township 103N (T-103-N), Range 60W of the 5th P.M., Davison County, South Dakota. The boundary of the assigned service area's is the Half Mile line drawn down the center (See map).

This Consent and Agreement is effective only after being approved by the South Dakota Public Utilities Commission.

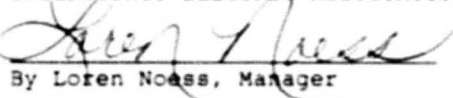
Dated this 30th day of May, 1996.

~~ANDERSON FARMS INC.~~



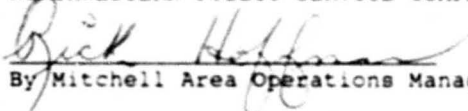
By Calvin Andersen

INTERCOUNTY ELECTRIC ASSOCIATION, INC.



By Loren Noess, Manager

NORTHWESTERN PUBLIC SERVICE COMPANY



By Mitchell Area Operations Manager

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

**IN THE MATTER OF THE FILING BY)
INTERCOUNTY ELECTRIC ASSOCIATION,)
INC. REGARDING A SERVICE TERRITORY)
AGREEMENT)**

**ORDER GRANTING
APPROVAL

EL96-016**

On June 19, 1996, the Public Utilities Commission (Commission) received a filing from Intercounty Electric Association, Inc. (Intercounty) for approval of an agreement for service rights exception. The purpose of the filing was to seek Commission approval for Intercounty to accommodate a customer who has requested service to an irrigation well located just within Northwestern Public Service (NWPS) territory. The site of the well is more accessible to Intercounty than to NWPS. Intercounty submitted a letter of justification, a map and plat of the affected area, and a copy of a "Consent and Agreement," which landowner Calvin Anderson, Intercounty and NWPS had signed, signifying their agreement. The property which is the subject of this transfer and request for approval is described as "an irrigation well owned by Calvin Anderson and located on the following described property:

The Northwest quarter of Section 36, Township 103N, Range 60W of the 5th P.M.,
Davison 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 granting the service rights transfer will avoid the unnecessary duplication of facilities, provide adequate service to Mr. Anderson, and promote the efficient use and development of the electric systems of the contracting electric utilities. The Commission therefore concludes that the request is 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 service territory agreement is hereby granted.

Dated at Pierre, South Dakota, this 18th day of July, 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 <u>Arlene Kaelo</u>
Date <u>7/19/96</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kenneth Stofferahn
KENNETH STOFFERAHN, Chairman

James A. Burg
JAMES A. BURG, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner