

EL97-018

EL97-018

DOCKET NO.

Conf/RE
 G. H. James Abuse

In the Matter of IN THE MATTER OF THE
 APPLICATION OF MONTANA-DAKOTA
 UTILITIES CO., A DIVISION OF MDU
 RESOURCES GROUP, INC. FOR
 APPROVAL OF MODIFICATION OF
 ELECTRIC SERVICE AREA BETWEEN
 MONTANA-DAKOTA UTILITIES CO.
 AND CAM WAL ELECTRIC
 COOPERATIVE, INC.

Public Utilities Commission of the State of South Dakota

DATE	MEMORANDA
10/16/97	Filed and Docketed
12/1/97	Consents of Customers/ Landowners
1/7/98	Order for Approval of Transfer of Assigned Electric Service Instances;
1/7/98	Docket Closed

EL97-018

MONTANA-DAKOTA

UTILITIES CO.

A Division of MDU Resources Group, Inc.

400 North Fourth Street
Bismarck, ND 58001
(701) 222-7900

RECEIVED

OCT 26 1997

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Direct Dial No.
(701) 222-7637

October 1, 1997

Mr. William Bullard, Jr.
Executive Director
South Dakota Public Utilities
Commission
State Capitol Building
500 East Capitol
Pierre, SD 57501

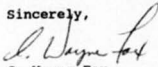
Re: Modification of Electric Service Area
Docket No. EL97-_____

Dear Mr. Bullard:

Montana-Dakota Utilities Co. (Montana-Dakota), a Division of MDU Resources Group, Inc., herewith submits an original and ten (10) copies of an Application requesting Commission approval of a change in electric service area pursuant to SDCL §49-34A-55.

Please acknowledge receipt by stamping or initialing the duplicate copy of this letter attached hereto and returning the same in the enclosed self-addressed, stamped envelope.

Sincerely,



C. Wayne Fox
Vice President-Regulatory
Affairs & General Services

Attachments

cc: D.W. Schulz

D. R. Ball

Dennis Schnabel - Moberidge District Manager
Cam-Wal Electric Cooperative, Inc.

EL97-018

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OCT 06 1997

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

In the Matter of the Application of)
MONTANA-DAKOTA UTILITIES CO.,) Docket No. EL97-_____
a Division of MDU Resources Group, Inc.)
for Modification of Electric Service Area)

APPLICATION

COMES NOW, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., the Applicant in the above-entitled proceeding (hereafter "Montana-Dakota" or "Applicant"), and respectfully states as follows:

I.

That Montana-Dakota, a Division of MDU Resources Group, Inc., is a Delaware corporation duly authorized to do business in the State of South Dakota as a foreign corporation, and that it is doing business in the State of South Dakota as a public utility.

II.

That Montana-Dakota's Certificate of Incorporation and Amendments thereto have previously been filed with the South Dakota Public Utilities Commission (PUC or Commission) and reference thereto is made, and such Certificate and Amendments are hereby incorporated herein by reference as though fully set forth herein.

III.

The Applicant's full name and post office address are:

Montana-Dakota Utilities Co.
a Division of MDU Resources Group, Inc.
400 North Fourth Street
Bismarck, North Dakota 58501

IV.

That the persons to whom communications should be directed concerning this Application are:

C. Wayne Fox
Vice President-Regulatory Affairs
& General Services
Montana-Dakota Utilities Co.
400 North Fourth Street
Bismarck, North Dakota 58501

and

Douglas W. Schulz
Senior Attorney
Montana-Dakota Utilities Co.
400 North Fourth Street
Bismarck, North Dakota 58501

V.

That each electric utility in South Dakota has the exclusive right to provide electric service at retail in assigned service areas pursuant to SDCL §49-34A-42, which also provides that no electric utility shall render or extend electric service at retail within the assigned service area of another electric utility unless such other electric utility consents thereto in writing and the agreement is approved by the Commission consistent with SDCL §49-34A-55.

VI.

That Cam Wal Electric Cooperative, Inc. (Cam Wal) and Montana-Dakota have agreed that each has a portion of its assigned service area that could be better served by the other supplier and are willing to exchange such properties to better serve the public interest.

VII.

That Montana-Dakota has an assigned service area lot located directly behind the Cam Wal office in Selby, South Dakota upon

which no customer is presently located. Such lot is legally described as Lot 2, Block 1, Plainview First Addition. Cam Wal provides electric service to its office located on Lot 1, Block 1, Plainview First Addition, and also to its pole yard and storage area across Dakota Street, along with the other surrounding lots as shown on Exhibit A, attached hereto and incorporated herein. Cam Wal's facilities are closer to Lot 2, Block 1, and, to avoid duplication and added cost of facilities, Montana-Dakota is willing to trade Lot 2, Block 1, Plainview First Addition to Cam Wal for Cam Wal lots where Montana-Dakota's facilities are closer as set forth below.

VIII.

That Cam Wal has an assigned service area at Mobridge, South Dakota consisting of 3 lots, two of which have customers presently being served. One of the customers is South Dakota Cable TV whose tower presently is being served by Montana-Dakota and the other is Roy Hoff, a residential customer, presently being served by Cam Wal. The 3 lots are part of the Replat of Tract 3, located in the NW $\frac{1}{4}$ of Section 19, T124N, R79W of the 5th P.M., Walworth County, South Dakota. Most of the lots in the Replat of Tract 3 are in Montana-Dakota's assigned service area, as shown on Exhibit "B". Of the 5 electric consumers in the Replat of Tract 3, Montana-Dakota serves 4 consumers and Cam Wal serves one consumer. In addition to South Dakota Cable TV, Montana-Dakota serves customers at numbered Lots 4, 6 and 8. Montana-Dakota's facilities are closer to the Cam Wal service area lots and, to avoid duplication and added cost of facilities, Cam Wal is willing to trade the 3 lots marked in blue on Exhibit "B" for the portion of Montana-

Dakota's service area as set forth above.

IX.

That SDCL §49-34A-55 provides that electric utilities can change electric distribution service rights by written mutual agreement subject to Commission approval.

X.

That SDCL §49-34A-55 further provides that any agreement which changes assigned service areas shall be filed with and approved by the Commission before it may become effective.

XI.

That on September 29, 1997, Montana-Dakota and Cam Wal entered into a Service Area Modification Agreement, attached hereto as Exhibit "C", wherein Montana-Dakota and Cam Wal agree to the trade of service areas as set forth above.

XII.

That the Service Area Modification Agreement between Montana-Dakota and Cam Wal is hereby submitted to the Commission for approval pursuant to SDCL §49-34A-55.

XIII.

That Cam Wal and Montana-Dakota agree to Montana-Dakota's submittal of attached Exhibits "A", "B", and "C" for Commission approval pursuant to SDCL §49-34A-55 without a request for a formal hearing by the Commission.

XIV.

WHEREFORE, Applicant respectfully requests that the Public Utilities Commission of South Dakota:

1. Approve Exhibits "A", "B" and "C" attached hereto and incorporated herein agreeing to a modification of Cam

Wal's and Montana-Dakota's service areas;

2. Grant approval without the need for a formal hearing; and
3. Grant such other and additional relief as the Commission shall deem just and proper.

Dated this 1st day of October, 1997.

MONTANA-DAKOTA UTILITIES CO.,
a Division of MDU Resources Group, Inc.

By: *C. Wayne Fox*
C. Wayne Fox
Vice President-
Regulatory Affairs & General Services

STATE OF NORTH DAKOTA)
 : ss
COUNTY OF BURLEIGH)

C. Wayne Fox, being first duly sworn, deposes and says that he is the Vice President-Regulatory Affairs & General Services of Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., the Applicant herein, that he has read the foregoing Application, knows the content thereof, and that the same is true and correct to the best of his knowledge, information and belief.
Dated this 1st day of October, 1997.

C. Wayne Fox
C. Wayne Fox

Subscribed and sworn to before me this 1st day of October,
1997.

(SEAL)

Bob R. ...
Bob R. ..., Notary Public
Burleigh County, North Dakota
My Commission Expires: 2-5-98

OF COUNSEL:

Douglas W. Schulz
Senior Attorney
Montana-Dakota Utilities Co.
400 North Fourth Street
Bismarck, North Dakota 58501
Telephone: (701) 222-7613

COPY MADE

BEST

IMAGE (S)

POSSIBLE

REPLAN OF TRACT 3 SHOWING LOTS & TRAIL

LOCATED IN NW 1/4 SEC 19,
T18N, R 75W, OF THE 52ND PM
WINDSOR COUNTY, SOUTH CANADA

50' wide
1/4 mile
1/4 mile



SECTION CORNER

2491.58 (M)

2484.5 (A)

1323.98 (M)

1320.0 (A)

89° 52' 8"

1296.75 (M)

TRACT 3

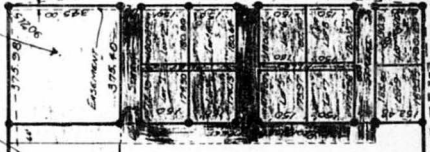
3022.5

1322.00 (M)

1320.0 (A)

2652.5 (M)
72, 6' 2822.2 (A)

1292.90 (M)
1292.90 (A)



SERVICE AREA MODIFICATION AGREEMENT

THIS AGREEMENT is made and entered into this 29th day of Sept, 1997, by and between CAM WAL ELECTRIC COOPERATIVE, INC. (Cam Wal) and MONTANA-DAKOTA UTILITIES CO., a Division of MDU Resources Group, Inc. (Montana-Dakota).

WHEREAS, Cam Wal and Montana-Dakota are each authorized electric utilities in the State of South Dakota with assigned service areas pursuant to SDCL Chapter 49-34A; and

WHEREAS, Cam Wal and Montana-Dakota have jointly identified properties in each of their respective assigned service areas which could be better served by the other supplier without duplication of facilities while promoting the efficient and economical use and development of their respective electric systems; and

WHEREAS, to avoid such duplication and to promote efficient and economical use of their respective systems, Cam Wal and Montana-Dakota are willing to modify portions of their respective service areas by this Agreement; and

WHEREAS, SDCL 49-34A-42 provides that no electric utility shall render or extend electric service at retail within the assigned service area of another electric utility unless such other electric utility consents thereto in writing and the agreement is approved by the South Dakota Public Utilities Commission consistent with SDCL 49-34A-55;

NOW, THEREFORE, Cam Wal and Montana-Dakota agree as follows:

1. Subject to South Dakota Public Utilities Commission approval pursuant to SDCL 49-34A-55, Montana-Dakota has an assigned service area lot located directly behind the Cam Wal office in Selby, South Dakota upon which no customer is presently located. Montana-Dakota is willing to trade the lot to Cam Wal in exchange for a portion of Cam Wal's assigned service area as set forth in paragraph 2. Such lot is legally described as Lot 2, Block 1, Plainview First Addition, and is shown in red on Exhibit "A", attached hereto and incorporated herein.
2. Subject to South Dakota Public Utilities Commission approval pursuant to SDCL 49-34A-55, Cam Wal has an assigned Mobridge, South Dakota service area in the Replat of Tract 3, located in the NW¼ of Section 19, T124N, R79W of the 5th P.M., Walworth County, South Dakota. Three unnumbered lots in Tract 3 shown in blue on Exhibit "B", attached hereto and incorporated herein, are in Cam Wal's assigned service area. One lot is occupied by Cam Wal customer, Roy Hoff; one lot is occupied by South Dakota Cable TV as a Montana-

Dakota customer; and the third lot, titled Tract 3, is presently not occupied by a customer of either supplier. Cam Wal is willing to exchange these portions of its assigned area for the assigned portion of Montana-Dakota's service area set forth in paragraph 1 above.

3. Cam Wal and Montana-Dakota agree to modification of their respective service areas as set forth in paragraphs 1 and 2 and shown on Exhibits "A" and "B". This Agreement shall be submitted to the South Dakota Public Utilities Commission for approval pursuant to SDCL §49-34A-55 without a request for hearing.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year first above written.

CAM WAL ELECTRIC COOPERATIVE, INC.

By: Brad Scott
Brad Scott
General Manager

MONTANA-DAKOTA UTILITIES CO.,
a Division of MDU Resources Group, Inc.

By: Dennis Schnabel
Dennis Schnabel
District Manager

REPLAT OF TRACT 3 SHOWING **LOTS 1, 2 AND 3**
 LOCATED IN UNIT 4, SECT 13
 T124N, R 79W, OF THE S 20 PM
 HAWKINS COUNTY, SOUTH CAROLINA

SD 1/4 Sec 13
 N 1/4 Sec 13



Section Corner

2491.58 (M)

2484.5 (A)

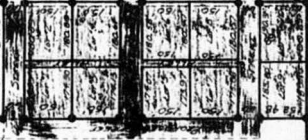
89°32'8"

1323.98 (M)
 1220.0 (R)

1297.23 (M)
 1262.62 (R)

TRACT 3

375.58
 375.40
 EASEMENT



1228.00 (M)
 1200.0 (R)

90°32'0"

2652.9 (M)
 2643.1 (R)

1244.2 (M)
 1222.2 (R)

374



MONTANA-DAKOTA

UTILITIES CO

A Division of MOU Resources Group, Inc.

180 North Fourth Street
Bismarck, ND 58501
(701) 222-7900

Direct Dial No.
(701) 222-7613

RECEIVED

DEC 01 1997

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

November 24, 1997

Mr. Martin C. Bettmann
Staff Engineer
South Dakota Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, SD 57501-5070

RE: Proposed Modification of Electric
Service Area Agreement Between
Montana-Dakota Utilities Co. and
CamWal Electric Cooperative, Inc.
Docket No. EL97-018

Dear Mr. Bettmann:

Pursuant to your letter of October 20, 1997, Montana-Dakota Utilities Co. has received the enclosed written consents of Montana-Dakota and CamWal Electric customers to the proposed modification of service areas.

Enclosed are the written consents of Kevin and Jerry Stoick to the transfer of a lot in Selby, South Dakota from Montana-Dakota to CamWal and of Roy and Janice Hoff, Nadine Gill, and South Dakota Cable, Inc. to the transfer of service area in Mobridge, South Dakota from CamWal to Montana-Dakota.

Please contact Wayne Fox or me if anything further is required. Thank you.

Sincerely,

Douglas W. Schulz
Senior Attorney

Enclosures

cc/enc: C. W. Fox

D. R. Ball

Mack Huncovsky, Dakota Heartland Region
Dennis Schnabel-Mobridge District Manager
CamWal Electric Cooperative, Inc.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

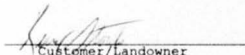
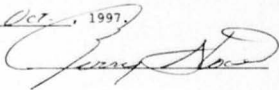
Proposed Modification of Electric)
Service Area Agreement Between) Docket EL97-018
Montana-Dakota Utilities Co. and)
CamWal Electric Cooperative, Inc.)

CONSENT OF LANDOWNER

The undersigned, Kevin and Jerry Stoick 4420 Main, are currently owners of real property within the electric service territory of Montana-Dakota Utilities Co., described as Lot 2 in Block 1 Plainview First Addition in Selby, South Dakota.

We have been informed of the proposed trade of electric service territory between Montana-Dakota Utilities Co. and CamWal Electric Cooperative, Inc. in the above proceeding before the Commission and hereby consent to the transfer of our above described property from the territory of Montana-Dakota Utilities Co. to CamWal Electric Cooperative, Inc..

Consented to this 29 day of Oct., 1997.



Customer/Landowner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

Proposed Modification of Electric)
Service Area Agreement Between) Docket EL97-018
Montana-Dakota Utilities Co. and)
CamWal Electric Cooperative, Inc.)

CONSENT OF CUSTOMER/LANDOWNER

The undersigned, Roy and Janice Hoff 1800 W. 3rd Ave., currently an electric customer of CamWal Electric Cooperative, Inc., are the owners of real property described as East 375.98' of North 345' of Tract 3 of NW 1/4, Section 19, T124N, R79W, of the 5th P.M., Walworth County, (Mobridge) South Dakota.

We have been informed of the proposed trade of electric service territory between Montana-Dakota Utilities Co. and CamWal Electric Cooperative, Inc. in the above proceeding before the Commission and hereby consent to the transfer of our above described electric service and property from the territory of CamWal Electric Cooperative, Inc., to Montana-Dakota Utilities Co.

Consented to this 18th day of Nov, 1997.

Roy Hoff

Janice Hoff - Roy Hoff
Customer/Landowner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA


Proposed Modification of Electric)
Service Area Agreement Between) Docket EL97-018
Montana-Dakota Utilities Co. and)
CamWal Electric Cooperative, Inc.)

CONSENT OF LANDOWNER

The undersigned, Nadine Gill, currently an owner of real property within the electric service territory of CamWal Electric Cooperative Inc., am the owner of real property described as Tract 3, excluding Lots 1 through 10 already assigned to Montana-Dakota Utilities Co. and Lots of South Dakota Cable Inc. and Roy Hoff, located in NW1/4 of Section 19, T124N, R79W, of the 5th P.M. Walworth County, South Dakota.

I have been informed of the proposed trade of electric service territory between Montana-Dakota Utilities Co. and CamWal Electric Cooperative, Inc. in the above proceeding before the Commission and hereby consent to the transfer of our above described property from the territory of CamWal Electric Cooperative, Inc., to Montana-Dakota Utilities Co.

Consented to this 29 day of Oct, 1997.



Landowner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

Proposed Modification of Electric)
Service Area Agreement Between) Docket EL97-018
Montana-Dakota Utilities Co. and)
CamWal Electric Cooperative, Inc.)

CONSENT OF CUSTOMER/LANDOWNER

The undersigned, South Dakota Cable Inc., currently an electric customer of Montana-Dakota Utilities Co. inside CamWal service territory, am the owner of real property described as Lot 11, 300' by 345' as a part of Tract 3 located in NW1/4 of Section 19, T124N, R79W, of the 5th P.M. Walworth County, South Dakota.

I have been informed of the proposed trade of electric service territory between Montana-Dakota Utilities Co. and CamWal Electric Cooperative, Inc. in the above proceeding before the Commission and hereby consent to the transfer of our above described electric service and property from the territory of CamWal Electric Cooperative, Inc., to Montana-Dakota Utilities Co.

Consented to this 3 day of November, 1997.

South Dakota Cable, Inc.
Customer/Landowner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION OF) ORDER FOR APPROVAL OF
MONTANA-DAKOTA UTILITIES CO., A) TRANSFER OF ASSIGNED
DIVISION OF MDU RESOURCES GROUP, INC.) ELECTRIC SERVICE
FOR MODIFICATION OF ELECTRIC SERVICE) TERRITORIES
AREA) EL97-018

On October 6, 1997, the Public Utilities Commission (Commission) received a filing by Montana-Dakota Utilities Co. (MDU) requesting approval of an exchange of electric service territory. According to the filing, Cam Wal Electric Cooperative, Inc. (Cam Wal) and MDU have agreed to exchange certain service territories in Selby and Moberge, South Dakota; a copy of the agreement was made part of the filing.

Cam Wal is willing to accept and MDU is willing to relinquish the following service territory in Selby, South Dakota:

Lot 2, Block 1, Plainview First Addition to the City of Selby, Walworth County, South Dakota.

In exchange for the above, MDU is willing to accept and Cam Wal is willing to relinquish the following service territory near Moberge, South Dakota:

Replat of Tract 3 in the Northwest Quarter of Section 19, Township 124 North, Range 79 West of the Fifth Principal Meridian in Walworth County, South Dakota.

On December 18, 1997, at its regularly scheduled meeting, the Commission considered the request. Commission Staff recommended granting approval of the exchange of electric service territories.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-34A, specifically, SDCL 49-34A-4, 49-34A-42, and 49-34A-55. Further, the Commission finds that this agreement will promote the efficient use and development of the electric systems of the contracting electric utilities. The Commission therefore concludes that the agreement for exchange of electric service territories is in the public interest and that it shall be approved. It is therefore

ORDERED that the request for approval of the assignment of electric service territories as described herein is hereby granted and is effective for service rendered on and after the date of this order.

Dated at Pierre, South Dakota, this 27th day of January, 1998.

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: Alfred A. Kisko

Date: 1/9/98

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner